



Report to the First Secretary of State

Inquiry opened 26 November 2002

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Date **07 MAR 2003**

SECTION 78 TOWN AND COUNTRY PLANNING ACT 1990

**APPEAL BY THE CHANCELLOR, MASTER
AND SCHOLARS OF THE UNIVERSITY OF
CAMBRIDGE AGAINST THE DECISION OF
SOUTH CAMBRIDGESHIRE DISTRICT
COUNCIL**

File Ref: APP/W0530/A/02/1090108

ABBREVIATIONS USED IN THE REPORT

ARC	Animal Rights Coalition
BUAV	British Union for the Abolition of Vivisection
CBBL	Cambridge Brain Bank Laboratories
CCC	Cambridgeshire County Council
CU	Cambridge University
DLRM	Doctors and Lawyers for Responsible Medicine
DP	Development Plan
HLS	Huntingdon Life Sciences
LP	Local Plan
Lpa	Local planning authority
PIM	Pre-inquiry meeting
PPG	Planning Policy Guidance
RPG	Regional Planning Guidance
RSPCA	Royal Society for the Prevention of Cruelty to Animals
SCDC	South Cambridgeshire District Council
SCG	Statement of Common Ground
SHAC	Stop Huntingdon Animal Cruelty
SOS	Secretary of State
SP	Structure Plan
WBIC	Wolfson Brain Imaging Centre

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Site Address: 307 Huntingdon Road, Cambridge.

- The inquiry was held under s.78 of the Town and Country Planning Act 1990 (the Act) against a refusal of planning permission.
- The appeal is made by the Chancellor, Masters and Scholars of the University of Cambridge against South Cambridgeshire District Council.
- The application (ref No: S/1464/01/F) dated 13 July 2001 was refused by notice dated 18 March 2002.
- The development proposed is for a building for B 1(b) research use.

Summary of Recommendation: The First Secretary of State is recommended to dismiss this appeal.

1. INTRODUCTION

1.1 The inquiry sat for a total of 11-days between 16 November 2002 and 9 January 2003 in the Council Chamber at South Cambridgeshire District Council Offices and a nearby Church. The procedures followed at the inquiry were those discussed at the Pre Inquiry Meeting held in the Council Offices on 16 September 2002. I conducted an accompanied site visit of the appeal site and the surroundings on 9 January 2003.

1.2 The applications was refused by South Cambridgeshire District Council (SCDC) for the following reason:

The proposal is located close to the junction of a major road intersection, namely the A14, M11, A428 and A1307. Cambridgeshire Constabulary, on the basis of recent experience of demonstration against the current sites, which involve animal research, has commented that the proposal will result in demonstrations. Also, it is of the view that such demonstrations at this site would be likely to result in road blockages and a serious danger to public safety.

Whilst South Cambridgeshire District Council accepts that the proposal is in the national interest, and that is sufficient to outweigh the harm to the Green Belt, it considers that this site is unacceptable because of the risk to public safety.

In coming to this decision, regard was had as to whether conditions could be used to make the proposal acceptable. However, in discussion with Cambridgeshire Constabulary, it has been concluded that measures to limit the risk to public safety on this site would not be effective.

1.3 By letter dated 31 July 2002, the Secretary of State (SoS) recovered the appeal for decision by himself, on the basis that the proposals give rise to significant public controversy and represent significant development in the Green Belt.

1.4 The development proposed falls within the description of paragraph 10(b) of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and exceeds the threshold in column 2 of the table in that schedule. However, in the opinion of the SoS, having taken into account the criteria in Schedule 3 to the 1999 Regulations, it would not be likely to have significant effect on the environment, by virtue of factors such as nature, size or location. Accordingly, in exercise of the powers transferred to him by Regulations 9(1) and 6(4) of the 1999

Regulations, the SoS hereby directs that the development for which planning permission is sought is not EIA development. This was confirmed by letter dated 6 June 2002.

1.5 In considering the proposals and the evidence, the Human Rights Act implications have been considered and in particular Article 1 of the First Protocol and Article 8.

1.6 This report contains a description of the appeal site and surroundings, a brief description of the proposal, the planning history of the site, the policy framework, other matters considered in the Statement of Common Ground (Document CD4) (SCG), the cases for the parties, including those designated Rule 6 parties, the cases for interested persons and parties, written representations, my reasoning and conclusions and my recommendation. Appended is a list of appearances, documents and plans pertinent to the inquiry.

2. DESCRIPTION OF THE APPEAL SITE AND SURROUNDINGS

2.1 The appeal site is located some 4 km north-west of Cambridge City Centre and some 20km south-east of Huntingdon. It lies on the outskirts of Cambridge, near to the junction of the M1/ A14(T)/ A428. The appeal site is bounded on three sides by these roads and the Huntingdon Road (A1307). There is no means of access to 307 Huntingdon Road for vehicles or pedestrians from the M11, A14 or the A428.

2.2 The A14/A428 lies some 150m to the north-west of the appeal site. The M11 runs on an elevated section over the A14/A428 and then on embankment at a distance of 150m south-west from the appeal site. There is slip road access from the A14 to the southbound carriageway of the M11 and to the A14, which connects with Huntingdon and the Midlands. The A1307 is also elevated above the A14/A428 and emerges from and to the links to the A14 running north-west towards Huntingdon. The appeal site can be seen from the M11 and its interchange with the A14. From Huntingdon Road, retained buildings would screen the proposed building.

2.3 The A14 runs easterly to the north of Cambridge linking with Newmarket, Bury St Edmunds, Ipswich and the East Coast Port of Harwich. The M11 runs in a southerly direction to Stanstead Airport, the M25 and London. The A428 runs westerly to St Neots. A more detailed description of the immediate highway geometry and other relevant facts is given in Section 7 of the Statement of Common Ground (Document CD4).

- 2.4 The appeal site lies to the south-west of the A1307 gaining access from the north-westbound carriageway. At this point, the A1307 is single carriageway from the Cambridge City direction and dual carriageway towards the north-west and the A14. The south-eastbound carriageway leading to the City Centre comprises a bus lane and one general traffic lane. A cycleway and footway is also in place. A further footpath runs on the north-east side of the A1307 and crosses the A14 on a footbridge on its way to Girton Village to the north. To the south side of the A1307, the verge is unmade.
- 2.5 The appeal site already contains university research buildings. The existing buildings include office-style buildings and animal lairage buildings. A public footpath runs along the south-eastern boundary. This boundary, and that to the south-east, is marked by a mature, thick and substantial hedge of mixed species, which provides an effective screen from pedestrians on the footpath. The boundary to the north-west is open, with a field in the ownership of the University lying between the appeal site and the A14/A428/ M11 on-slip. If the Police consider it necessary, this field could be used to assemble protesters away from the highway. At present, there is no direct vehicle access from this field to the A1307. The site itself lies on the side of a gentle ridge, which slopes to the south-west. Mid way between the appeal site and the M11 is the Washpit Brook.
- 2.6 Immediately to the south-east of the appeal site lies the University Farm and thence residential property with the nearest some 250-275m from the appeal site. On the opposite side of Huntingdon Road, lies Girton College. This is residential and has three gatehouses which are immediately alongside the A1307 and are in residential occupation. The nearest gatehouse is approximately 130m from the entrance to the appeal site with the next one some 100m further away. At a distance of some 750m to the south-east, Girton Road runs off to the north and leads to Girton Village. Around this junction, the nearest bus stops to the appeal site are located.

3. THE PROPOSAL

- 3.1 The proposal is for the erection of a building for B1(b) research use. It proposes a new building of 8050 sq.m and 1956 sq.m of retained floor space. The existing buildings on site cover 5606 sq.m of which 3650 sq.m would be demolished. If approved, the total floorspace would be 9971 sq.m. Secure fencing would be erected around the appeal site with a 3/4m high brick wall along its frontage with Huntingdon Road. A second entrance to Huntingdon Road would be closed off.
- 3.2 External to the appeal site Cambridge University has agreed to provide an extension of the existing footway/cycleway from Girton Corner, in order to provide pedestrian and cycle access to the appeal site. Unilateral planning obligations (Documents ⁵) will be entered into by the University introduce a Travel to Work Plan, to secure signing and the funding of works required to relocate the existing 40mph speed limit, in the event the local highway authority and the Police consider that relocation be appropriate.

4. PLANNING HISTORY

4.1 There has been an animal research facility at the appeal site for more than 50-years. The earliest permission was granted in September 1950 and permitted an extension to a laboratory and a new rabbit house. Subsequently, more than 20 applications have been submitted, all having been approved save for two, which were withdrawn. The site has developed over the years with two surges of building, first in 1966/1968, when a number of laboratories, surgeries and animal housing was erected on behalf of the Agricultural Research Council, and then in 1970/1973 when a number of large animal housing and specialist units were erected.

4.2 Cambridge University submitted their first application for planning permission for the erection of a building for B1(b) research use on 7 September 2000. This application proposed demolition of 1313 sq.m of buildings and new buildings of 8000 sq.m. The new floor space included 3400 sq.m, which was to be used to accommodate plant and service basement areas. The resulting floorspace was to be 12522 sq.m.

4.3 This applications was refused for the following reasons:

- The proposed development was not appropriate in the Green Belt;
- The development would cause harm to the Green Belt through its visual impact, increased traffic movements, the removal of buildings of rural character and encroachment into the open area to the rear of the existing buildings; and
- There were no proven exceptional circumstances to justify departing from Green Belt policies.

5. PLANNING POLICY FRAMEWORK

5.1 Government guidance relevant to the evidence presented to the inquiry is contained within RPG6 : Regional Planning Guidance for East Anglia to 2016; PPG1 : General Policy and Principles and PPG2 : Green Belts.

5.2 In addition, the proposal is supported by the Department of Trade and Industry and in a letter dated April 2001 (Document CD5) Lord Sainsbury of the DTI advises that:

- The proposed research centre would consolidate the UKs position as a global leader in neuro science;
- the proposal brings together outstanding scientists to work on significant research problems in an inter-disciplinary environment using state of the art facilities at an institution where neuro science has significant strength and potential;
- centres of this kind are key to translating Government policy into reality; and
- the centre should strengthen Cambridge's role in leading edge research.

5.3 The DTI's position is endorsed by the Chief Scientific Adviser to the Government in

letters dated 25 September 2001 and 16 January 2002 (Documents CD6 and 7). In addition, a further letter from Lord Sainsbury (Document 7) in response to my request for information about the Government position with regards to national need/importance confirms the Government view and the support of the Prime Minister. Further information on Government policy in respect of bio-technology clusters is contained in "Investing in Innovation: A Strategy for Science, Engineering and Technology" (July 2002) and the SCG. A Report of the House of Lords Select Committee on Animals in Scientific Procedure is also prayed in aid (Document CD24). Other studies referred to include the Regional Economic Strategy: "East of England 2010 - Prosperity and Opportunity for All" and the Report commissioned by the East of England Development Agency concerning the expansion and consolidation of clusters.

The Development Plan

- 5.4 The development plan (DP) for the area comprises the Cambridge Structure Plan (1995) (Document CD11) (SP), South Cambridgeshire Local Plan (1993) (LP) (Document CD12) and the Cambridge Green Belt Local Plan (1992) (Document CD1a)
- 5.5 The adopted Local Plan deals with the period to 2001 and a review taking it forward to 2006 is nearing formal completion (Document CD10). Following a public inquiry, SCDC has considered the Inspector's recommendations and proposed modifications are to be placed on deposit in November/December 2002. Adoption is anticipated by April/May 2003.
- 5.6 The Cambridgeshire Structure Plan Review (Document CD14) was placed on deposit in spring 2002 and an examination in public into this Review was taking place concurrently with this appeal inquiry. Adoption of the Cambridgeshire SP Review is anticipated late in 2003.
- 5.7 The DP policies relevant to the appeal proposal are listed in paragraph 6.7 of the SCG.

6. STATEMENT OF COMMON GROUND (Document 4)

- 6.1 A Statement of Common Ground (SCG) between CU and SCDC has been produced. This contains details of a number of matters including brief reference to the absence of alternative sites and a planning obligation in relation to highway issues. Several Appendices to this Statement are included. Of these appendices, there is the Competitiveness White Paper: Our Competitive Future (1998), a DETR Research Report (2000): Planning for Clusters and a further Report entitled "Biotechnology Clusters" (1999).

THE CASE for CAMBRIDGE UNIVERSITY

The main points are:

Introduction

7.1 Notwithstanding the extensive evidence that has been advanced on a wide-ranging number of matters, the principal issues in this case are limited and can be addressed relatively shortly. Before turning to these main issues of policy, Green Belt and highway safety, however, it is helpful at the outset briefly to set out the overall position from a contextual point of view.

The Site

7.2 The appeal site comprises a long established research institution in use for animal research since at least the early 1950s. There have been some 18 planning permissions granted since that time for its extension and consolidation as a research institution. The proposed development is not for a change of use as such, the proposed use itself being within class B 1(b). It would involve, however, substantial redevelopment with an extension in the built footprint of 1,780 sq. metres. It is common ground that in the absence of planning permission the site could and almost certainly would continue to be used for University purposes and would probably continue to be used for research involving animals.

Location

7.3 As a site, it is well related to the urban area, which it adjoins. While it is within the statutory Green Belt, Huntingdon Road has an urban or semi-urban character, being generally developed on both sides and the Road itself having the usual trappings of an urban street in terms of lighting, bus-lanes, cycle-way and so on. As such, it is a location which is in principal supported for the provision of additional development as an urban extension in regional (RPG6, Policy 2) strategic and local policy.

7.4 It does cover, of course, itself form part of Cambridge and its University complex. This is a factor that is of considerable importance in appraising its suitability for the proposed development. Cambridge is recognised as a centre of excellence for research and related development and the University itself are pivotal to that role. As an urban extension, the site is contained. It lies within what was described by South Cambridgeshire District Council (SCDC) as the cordon formed by the orbital road system, in this quarter consisting of the M11 and A14. The adjoining topography reinforces that containment with Huntingdon Road at a higher level than the site, which slopes away to the south. The site is neither prominent nor dominant. It is largely screened by the surrounding ground form and existing landscape and built features.

7.5 While part of the Green Belt, it is accepted that the site plays no part in preserving the character of the historic city or providing its setting in either visual or other terms. Nor does it perform any strategic Green Belt functions in separating towns or other

settlements. It does not lie within an area designated as of landscape or other importance or subject to any other countryside designation. This can be contrasted to other areas adjoining the City. Some are designated as of importance for views of the setting of the City (i.e. Laundry Farm) or open countryside of landscape importance in the Green Belt, such as North Madingley, where the Madingley Ridge is identified as being important to the setting of the City. An area to the south of the appeal site is proposed for release from the Green Belt in the emerging Structure Plan Review. However, these proposals are neither prejudicial to that proposal nor in any way pre-empt or pre judge it. It is accepted to be compatible on either basis.

Residential Amenity

7.6 In conjunction with the above, insofar as any concern may arise as to disturbance associated with the proposal, the appeal site is distanced from existing residential property. Leaving aside the two Girton College Lodges, Grange Lodge and New Lodge, which themselves form part of the University and are located on the opposite side of Huntingdon Road some 100m and 180m distant respectively, the nearest residential property is Howe Farm Close, some 250m away and on the far side of the University Farm buildings and alongside Huntingdon Road, which at least during the working day is trafficked and the area generally characterised by relatively high ambient noise levels.

7.7 It is unsurprising that in this case no objection is raised by SCDC as to the impact on the amenities of local residents. The Environmental Health Officer has no objection and there is no technical evidence of any actual or likely generation of unacceptable noise or disturbance. Indeed, there is little evidence of complaint of past disturbance to residential amenity from demonstrations or related activities that have been attracted to the site, since the current proposals first came to public attention in August 2001.

7.8 The important distinction between lawful and unlawful conduct is referred to later. However, insofar as noise or disturbance is created unlawfully, as is suggested might be the case with some SHAC activities, this would be amenable to statutory control through Police and environmental health powers, which can and should be used for that purpose.

Sustainability

7.9 In terms of sustainability the site rates highly for a number of reasons. First, it is previously developed land and, thus, the use of greenfield land for development would be minimised. This itself is an important aspect of sustainability. The site is highly accessible to extensive residential areas by foot and other means and is also convenient to other related resources forming part of the University. Next, with the proposed improvements to the footpath and cycle-way, which would be of general benefit, the site would be readily accessible by foot and by cycle. Huntingdon Road itself forms part of the established cycle way system within the City.

7.10 Finally, Huntingdon Road is a bus route with frequent bus services, connecting through the City and to other destinations. (**Document A14, Appendix B**) There is an

agreed Travel Plan (**Document 5**) with a target limiting car access to 50% of trips, itself, forming part of the over arching University Travel Plan, agreed with the authorities and the University. This Green Travel Plan was discussed and agreed with SCDC. There is a particular advantage with the University's own internal administrative control over parking, together with a well established cycle culture within the City and the University. Thus, this is a site that in principle accords well with the important planning and public objectives of securing sustainable development.

7.11 Three additional comments are of particular relevance in this context. First, the principles of sustainability are rightly, and increasingly, recognised as of crucial public importance, not only in the short, but more importantly in the medium to long term. Equally, the principles themselves should be applied and tested on the same basis. Thus, the sustainability characteristics of proposed developments should be assessed on its medium and long term implications and characteristics, which will generally relate to matters including the use of greenfield land, location, transport accessibility and energy and pollution conservation. Conversely, it would be quite wrong to prejudice these essential principles for sustainable planning on the grounds of some short term concern. For example, that unlawful intimidation might discourage non car means to access the site in the short term. This is particularly so where any alternative location would suffer from similar forms of intimidation, but not have the enduring advantages in terms of sustainability, which are found at the appeal site.

7.12 The second comment pertains to the suggestion that intimidation through picketing might dissuade employees from using either bicycle or bus and foot to access the site. This is said to be supported by comparison with HLS. However, HLS provides no helpful example for a number of reasons. Its location is wholly remote, being accessed from off the A1 and it is not served by regular bus routes or a cycle-way. Furthermore, the nature of protest at HLS is led by the SHAC campaign, which itself resorts to unlawful and personal intimidation, and other such conduct. It would be quite wrong to discount the sustainability advantages of the appeal location either in principle or on the facts because of any fear of intimidation from a SHAC type unlawful campaign against those working at the proposed centre.

7.13 The third point seeks additional weight to be given to the importance of the sustainable character of the site in the present case. This has regard to the variable nature and timing of trips that would be made by those engaged in the research facilities, including senior scientists, post doctoral researchers, graduate students, technicians and support staff. From the more detailed profile (**Document A71**) it can be appreciated that the essential nature of experimental and research work, particularly on animals, does not admit regular or predictable journey patterns. The direct contact and discussion between clinicians, pathologists and medical scientists, all working in this vital area of medical and scientific research, is important. The technicians and carers are also part of this process, and are involved potentially for 365 days a year.

7.14 Moreover, part of the *raison d'etre* of the University is its role as a centre of teaching and academia of the highest standards. It is essential to the continuance of and support

for this tradition that those involved in research are also involved in the teaching and wider functions of the University. The appeal site is particularly well located in terms of accessibility to the teaching and administrative core of the University and to residential areas, as well as its research and other related facilities. In contrast, alternatives such as North Madingley would be singularly inappropriate in that respect. In these circumstances, SCDC's proposal for a mini-bus connection during the day would amount to little more than an individual taxi service, with all that would mean in terms of unsustainability and impracticality.

Traffic and Transportation

- 7.15 While the issue of highway safety is dealt with later, it is appropriate to deal at this stage with the intrinsic advantages of the appeal site from the highway and accessibility point of view. In addition to its sustainability and transportation advantages, there is no technical objection to the proposal. Indeed, it brings with it both proposed and potential highway benefits, including the closure of the western access and the construction of the proposed combined footway/cycle-way (**Document 6**) linking with the footway to the east on the cycle-way system. The highway is lit, there is an established cycle-way and it operates well within its link capacity. Whereas those that use the dual carriageway immediately outside the site, the peak directional flows can be amply accommodated on a single lane in either direction, constituting about half of the assessed theoretical capacity (a measured flow of 852 against a theoretical capacity of 1750 per lane). The accident record is good, with no accidents associated with turning into or emerging from the appeal premises. The three accidents (**Document A14, Appendix A Table A2**) ON this stretch of Huntingdon Road are all shunt accidents during the morning peak hour.
- 7.16 The potential benefit of an extension of the 40 mph speed limit to a point beyond the A 14 bridge (**Document A49**) is a matter of common sense. It was proposed originally by the Police in their letter dated 4 September 2001 (**Document s DC24**) following the first demonstration on the 18 August 2001. The Highways Agency has no objection and, while Cambridgeshire CC does not consider the extension of the 40 mph limit is required, it has no objection in the light of the Police support (**Document 5CD18**).
- 7.17 The extension of the speed limit would be of general benefit, bearing in mind the regular incidence of queuing up to and beyond the bridge during the morning peak hours (**Document A14, Diagram 008**). Moreover, it would be entirely consistent with the 40 mph design standard adopted for the bridge, when it was constructed in the 1970s. In addition, the approach from the west is one that has all the appearance of an approach to an urban area, heralded by repeated signs indicating the approach to Cambridge and related facilities such as the Park and Ride site. At the A14 slip there are notices for the commencement of the cycle way and the bus lane. There is also the physical introduction of both those facilities before the bridge summit, limiting general traffic, on a permanent basis, to one lane on the approach to the bridge. The whole of this section of the road is lit. Thus, it would be consistent to find the imposition of a 40 mph speed limit at this point. SCDC's concern that such a control would be incompatible with the design and other features of this part of the highway is rejected. As said, it is wholly consistent with the original design and with the highway, which is and can

be seen to be the approach to the City and its urban highway network and a point where additional traffic management control is to be expected.

7.18 As said, the Police have not raised any concern over enforcement and support the proposal. The point raised about the guidelines for speed camera control (**Document SCDC18**) does not detract from the potential advantages of the extension. If the combination of the speed limit and the additional traffic management features suggested are effective, there would be no need for speed camera enforcement. At present the 85th percentile speed is only some 12 mph over the proposed 40 mph limit up to 52 mph. On the other hand, if the feature proved ineffective, the guidelines, which are not cumulative in the sense that they would all have to be met, would allow for the use of a mobile camera for that purpose. It is accepted that there would be a speed reduction and the extent of this would be well within the scope of management and enforcement. On either basis, it is manifest that there would be overall benefit to highway safety.

7.19 Alternatively, or in addition, there is the opportunity, without cost to the authority, to introduce a "Queues likely" warning sign. However, while there would be these opportunities (**Document A50**) CU share Cambridgeshire CC's view that they are not necessary for the proposed development and should properly be regarded as potential overall benefits arising from the proposals as a whole. In conclusion, the site and the proposals would be both acceptable from a highway and transportation point of view and indeed bring with it a number of benefits.

Proposed Development - Physical Form and Setting

7.20 It is common ground that, architecturally, the proposed development would be of high quality, designed sensitively to respond to the features and topography of the site, while accommodating the functional requirements of the proposed use. In all these aspects it would reflect the qualities that have characterised CU's approach to development as part of its built heritage. It would transform the present clutter of research and other buildings, which obtrude somewhat abruptly and starkly in their setting, into a coherent and attractive contemporary unit, modelled into the existing slope and contained within a carefully landscaped setting.

7.21 It is recognised that a similar design approach could be adopted anywhere. However, one of the particular benefits of this location would be that the design and landscaping would complement and be in accord with the existing character of the landscape and the topography. That would not necessarily be the case, in, for example, flat open landscapes such as characterised in the area of North Madingley and elsewhere in the Cambridgeshire area.

7.22 Moreover, it is common ground that the landscape proposals would be appropriate and would secure an overall improvement to the appearance of the area. This is the conclusion of the landscape consultants advising SCDC and forms part of the SCG. There has been no contrary view expressed by SCDC. In addition, there would be no net loss of trees, but in fact a substantial gain. As for the wall fronting at Huntingdon Road, this would extend for a 120m at 4m high and a further 45m at 3m high.

- 7.23 There are no grounds for concern that the landscape proposals could be adversely affected or prejudiced by the need for additional security measures. The proposals, including the proposed security measures and landscaping, were discussed with the responsible Police advisors during the summer of 2001. This included a site meeting on the 30 August 2001 following the first demonstration on the 18 August 2001. Subject to matters of detail, the proposals are strongly commended by the Police from a security point of view. Should additional ditching be required, then that could be accommodated without interfering with the existing or proposed planting. There would be pruning of tree branches, where these would overhang the security fencing, but this would not involve the felling of any trees. The Police do not suggest that the security detection would need a higher level of floodlighting of the perimeter. In any event, if lighting were thought to be desirable from a security point of view, it could be lighting triggered by activity or presence.
- 7.24 It is a false point to suggest that there could and would be future applications for further reinforcement or alteration of the security arrangement on the lines seen at HLS, which would be difficult to resist. The security arrangements at HLS were introduced piecemeal over a long period of time (Document C02). There is no information to the particular circumstances of these permissions or the reports that supported them. The integrated and planned security proposals for enclosure at the appeal site (Document CD1) have to be compared with the incremental approach at HLS. They are a far cry from the razor wire steel mesh with floodlighting at HLS and were made following discussion and in agreement with the Police, and would be at least as effective as those presently in position at HLS.
- 7.25 In the absence of evidence of inadequacy, it would be wrong in principle, or otherwise, to judge this proposal otherwise than upon its own terms. Judged on this basis, it can be seen, as agreed by SCDC's own landscape consultants, that there would be landscape benefit together with overall improvement in appearance.

Proposed Use - Government Policy

- 7.26 The use itself, while not involving a change of use in planning terms, can and should be accepted as unquestionably of the highest public importance. In this context, no apology is made for referring to and relying upon the considered views brought together in the Minister's letter dated the 22 November 2002 (Document n in response to the Inspector. This letter was written specifically to set out the Government's position to assist the inquiry and so it should be treated. It is quite wrong to say that it is a Government endorsed assertion.
- 7.27 On analysis, it establishes a number of matters. First, that the Government supports the views expressed in the Minister's letter dated the 5 April 2001 and in Professor King's letters dated 25 September 2001 and 6 January 2002. Thus, it can be seen that research involving animals continues to be of the highest importance as part of the overall objective, through neuro-scientific means, to secure knowledge, understanding and hopefully a cure or relief for brain disorders that afflict the human race. The importance of this objective is not disputed by any

- party at the inquiry, albeit that some have expressed reservations as to the scientific or moral case for the use of animals. So far as the latter is concerned, it is a question that has been considered by Government and its policy is that such research is necessary and in the public interest.
- 7.28 The Government's position is that the proposed centre, the subject of this appeal, is for that reason nationally important. It would improve research facilities through the establishment of a centre of research excellence after what the Government acknowledges at the national level has been "*years of neglect*". It is Government policy that development of such a centre of research excellence would bring with it public benefits in the national interest for "*academia, health and the economy*".
- 7.29 Further, and importantly, provision of this centre would itself improve the accommodation of the facility for animals used in research. It is perhaps an irony that some objectors at this inquiry fail to recognise the inevitability of animal research continuing and, in the absence of this centre, in worse conditions and less efficiently and effectively. It is of particular importance in this context to ensure that, if there is to be the use of animals for research, it is put to the greatest effect and the animals themselves are kept in the best condition. Moreover, it is not disputed that in this respect this country has the highest standards and most strict regulatory control of any country in the world.
- 7.30 Finally, it is Government policy to ensure that legitimate research of this kind is able to proceed despite intimidation through unlawful or other means by others. This important consideration is returned to below.
- 7.31 The second matter is with regard to Cambridge particularly. Government policy states that to achieve these national objectives the research centre should be sited at Cambridge, providing as it does "*the unique expertise of individual researchers and Cambridge's leading position in the UK as a centre of research excellence and high technology cluster.*" The inter relationship between the various limbs of research to the clinical, pathological and other sciences and the consequent benefit, incentive and stimulus for key scientists and researchers through association and intercourse with others in the same research and scientific fields is important.
- 7.32 The Minister makes clear that this does not, of course, dictate any specific site in Cambridge. It does, however, mean that Government policy recognises a need in the national interest for the provision of research facilities of this kind in the immediate Cambridge area, where they can properly and best serve their purpose.
- 7.33 As a third matter, the letter emphasises Government policy on what it describes as "*the Government's absolute determination*" to prevent the intimidation of legitimate research using animals. The Police should use the powers available to them to deal with marches and assemblies, where they may cause serious disruption to the life of the community or obstruction to the public highway. This

is of particular relevance in considering the issues in this case and in distinguishing between lawful expression of public view and unlawful intimidation or other criminal conduct. As a matter of Government policy and in the public interest it is essential that appropriate planning decisions are not diverted or frustrated by the threat of criminal or unlawful conduct or intimidation. The importance of ensuring that this is not the case goes beyond this case and beyond questions of animal research to the more fundamental principles underpinning an ordered and civilised society.

The Law

- 7.34 The leading authority on the relationship between Government policy and planning decisions remains the decision of the House of Lords in Bushell v Secretary of State for the Environment [1981] AC75. In this context, the statement of the relevant law in the lead opinion of Lord Diplock is attached (Document A83).
- 7.35 In this case, the House was dealing with motorway policy and the consideration of need. The point was made that the need for motorways to serve the national interest was not something that could be properly debated and determined within a local inquiry dealing with a specific motorway or specific section of motorway. While the Inspector in that case had permitted objectors to call evidence on the question of need, he had prevented cross-examination on the point. Lord Diplock made it clear that in allowing evidence to be called on this topic at all the Inspector was making a concession, which had not been necessary for him to have made.
- 7.36 The point was well made in the context of motorways, but even better made in the context of matters of such wide importance and implication as the research into human brain disorders and the scientific value of the use of animals for that purpose. It is not for this inquiry to debate either of these considerations.
- 7.37 Notwithstanding, written evidence on the topic has been provided and it should not be forgotten that this inquiry has not had available to it the broad based and consistent views of a medico-scientific world. This is overwhelmingly in support of the value and importance of animal research for this purpose. The objectors acknowledge that the views expressed on their behalf are very much in the minority, albeit no doubt, sincerely and strongly felt, and that generally the question is not even regarded as a subject for debate.
- 7.38 With one possible exception, the inquiry has not had the direct or oral evidence of any scientist in support of his/her views in opposition to that expressed as a matter of Government policy and otherwise. The principal witness to speak directly on these matters Dr Ray Greek is not a neuro-scientist. The exception, Dr Claude Reiss, spoke as the co-president of the former Doctors in Britain against animal experiments, now the DLRM, and his point was principally the absence of evidence produced to support the need, rather than any evidence to refute it.
- 7.39 With respect, it will be appreciated how ill equipped this inquiry would be as a medium

for determining matters of broad national approach industrial to questions of such importance to our future health and wellbeing as the use of animal research. In contrast, the Government has available to it a wide range of professional and informed advice in the light of which it is well able and has been democratically elected to determine matters of national importance of this kind. Moreover, as pointed out in the Minister's letter, this inquiry has the conclusions of the Report by the House of Lord's Select Committee on Animals in Scientific Procedures (J.J., 2002) (Document C024) The Committee sat for over a year and took evidence from over 100 witnesses, including Dr Ray Greek and Dr Gill Langley. It concluded unequivocally that there is a continuing need for animal experimentation, both for applied research and in research aimed purely at extending knowledge.

7.40 The inquiry has also had the benefit of the considered views of the Medical Research Council (Document 7) (MRC). This not only sets out the importance of animal research generally, but also the importance of Cambridge with its world wide reputation bringing together key areas of neuro science including neuro-psychology, behavioural neuro science, psycho-pharmacology and clinical neuro science. This of course includes the Wolfson Brain Imaging Centre together with functional magnetic resonance imaging and positron emission spectroscopy. The MRC ends with its conclusion that the proposed centre would be "*a pivotal point in the research spectrum*". This conclusion is itself consistent with the recognition by the JIF Committee in awarding the proposal of the highest rating as judged by scientific peer review on an international basis.

7.41 In the circumstances, it is difficult to envisage any stronger or more broadly based support for a proposal of this kind.

7.42 In this context, there has been nothing contributed to the debate by Dr Ray Greek or others that is novel, in the sense that it has not already been made well known over the past 12 or so years in Government and medical or scientific circles. Thus, in reaching their conclusions the Government and the other informed bodies referred to were all able to and can be assumed to consider the arguments and assertions made in this respect to the inquiry.

7.43 For all these reasons, accordingly, it is not an appropriate use of this inquiry process to debate the merits or otherwise of what is Government policy as set out above. Questions of need that arise both generally and in the context of making an exception to Green Belt policy or otherwise should be on the basis of Government policy as set out above.

Public Demonstration

7.44 It is material to consider the consequences of the use in the reaction and behaviour of others, so long as this is lawful. Thus, it is of materiality that the appeal site has a proven ability to accommodate such expression of view over the past 16-months, without an acceptable public disruption or risk to safety. Indeed, it has significant advantages in this respect.

- 7.45 First, it is readily accessible and inherently safer for access, being lit, well served by a range of transport means and beside a frequented and wide road with overlooking. All these attributes are commended by the Police as important for the safety of staff access, given the importance of the use.
- 7.46 Secondly, the appeal site has the advantage of an access and verge, allowing the 'entrance' to accommodate up to 100 demonstrators, assuming them to be behaving lawfully. This area still remains part of the highway and is therefore subject to direct control through Police powers. The adequacy of this provision is well indicated by experience. For example on the 22 June 2002, some 80 protestors attended the site, but there was no need for coning off a lane of the A307 or any s.14 Order to be made. The protestors progressed along the Huntingdon Road and the only obstruction was as they crossed Huntingdon Road, when the Police stopped the traffic.
- 7.47 In fact, the Police have coned off a single lane along the dual carriageway on only two occasions. The first was on the 18 August 2001, when some 170 demonstrators kept to the entrance and were not in the carriageway. This event was described by the Police as "*mainly uneventful*". The second occasion was on the 16 November 2001, when again the lane was coned off when protestors were "*mainly in the lay-by (entrance)*". The Police officer made a s. 14 Order restricting some 60 protestors to the entrance and imposing a time limit of 14.00 hours. The protestors evidently complied with that Order, moving off at 13.50 hours towards Girton. On all the evidence, the capacity of the site entrance has been sufficient to accommodate readily the numbers likely to be involved in any normal or regular lawful protest.
- 7.48 Next, the width of the carriageway is itself of advantage. With a dual carriageway there is the ability to block off one lane, particularly given the ample capacity of the highway, without totally obstructing traffic flows. This would be in contrast to a single carriageway road or lane. Moreover, the site at 307 Huntingdon Road is located on the westbound carriageway, where traffic would at present be leaving a speed-restricted area. Sightlines are good and there is scope for diversion in the area should there be a blockage.
- 7.49 Fourthly, there is already in position a total ban on parking as part of the Clearway or parking restrictions. Furthermore, the evidence reveals that there has been no problem of unlawful parking in Huntingdon Road. Ms Lowther (Girton college) expressly withdrew the suggestion made in Mrs Hopkins's letter that there has been unlawful parking in Huntingdon Road. It is recognised that, although there is no quantification, it may be inconvenient for some parking to take place in Girton Road, but that is not suggested by SCDC or the Police to have been a danger or threat to public safety.
- 7.50 Finally, should there be occasions when it is considered of assistance in dealing with protesters, the appeal site has adjoining open land onto which the Police could direct them away from the A1307. It is stressed that this would not be a permanent facility, nor would it be intended for vehicular use. It would be an opportunity for the Police

commander on the ground, should he/she think it helpful at the time.

7.51 The concern raised by the Police, but not by way of objection, is not in respect of what has occurred. This has been acceptable and has not resulted in any material difficulty. The Police case is one based solely upon its anticipational fear, of a different character of protestor, similar to the campaign by SHAC at HLS and involving unlawful and criminal conduct and intimidation. As already submitted, threats of criminal conduct of this kind should be given little weight in the appeal decision. If the conclusion is reached that this site is one that is appropriate, notwithstanding the implications that lawful protest, then it would be wrong as a matter of policy, on the evidence and in law for permission to be refused on the bases of the apprehension of unlawful conduct. As a matter of national policy this could and ought to be contained through Police and other powers. There is no distinction to be made in this respect between unlawful behaviour by these protestors and similar behaviour by any other sectional group.

Conclusion on Use and Location

7.52 In conclusion, therefore, from all points of view, including the site's established use and development, its location, the proposed design and landscaping and the use itself, this proposal has, can and should be seen as being fundamentally of public advantage and importance. It should be supported as such and this should form an important context in which such objections that have been raised should be judged.

Approach

7.53 Having dealt with the overall characteristics of the proposal and before turning to the issues in this appeal, a word about approach. Many matters in planning decisions involve making judgements about the future. In this particular case, however, it is important to have clearly in mind the proper framework in which these judgements should be made. First, any prognostication to the future should be based on evidence and not purely speculative. The inquiry has factual evidence as to the effects of public demonstrations and their effects at the site over the last 16-months. This evidence should form an appropriate starting point to making judgements as to the likely future situation.

7.54 Secondly, reference has been made to questions of public perception and fear. This does not arise as an issue in the present case and SCDC did not and does not rely on public fear and perception as an objection to the proposal. On all the evidence that has been adduced, on no occasion has the conduct of those involved in the demonstrations at the site since August 2001 been suggested to have resulted in fear on the part of those living in the area. As to the threats of future disruption made by SHAC, it is clear that their activities are not aimed at members of the public, but specifically at those involved in the particular use, be they administrators or staff.

7.55 Thus, this is not a case where it could be said that there is properly a public perception of fear that is material to any planning consideration. The one possible exception to this point is made in the IPPL submission. However, this has been comprehensively rebutted (**Document A23**) and there is rebuttal by Dr Sarah

Wolfensohn as to the alleged public health risks associated with primate research laboratories (**Document** ^{A24}). This did not generally form the subject of representations from third parties and can, in any event, be seen to be wholly without reasonable foundation, as demonstrated by Dr Wolfensohn.

7.56 There is an effective statutory regime in position to deal with such matters. In the final analysis, the one asserted risk concerned "*the unknown*" virus, which must be the ultimate in speculation. In any event, there is nothing in the particular site proposed that would suggest that the appeal site is more rather than less sensitive than any other likely site to meet the acknowledged need referred to above. Thus, if there is a risk of the kind asserted, it is a risk that effects all sites that could be put forward to meet the need and not, accordingly, an objection specific to the appeal site.

7.57 Turning now to the main issues in this appeal, these are under the heads policy, Green Belt, highway safety and other matters. Each are dealt with in turn.

Policy

7.58 Apart from the Green Belt status, there is consistent policy support for this proposal and its location. This itself provides a context for considering the Green Belt issue.

7.59 At regional level, RPG6 sets out a clear policy framework. The Cambridge sub region is considered and RPG Policy 21 provides specific support so as to "*allow the sub region to develop further as a world leader in research and technology based industry in the fields of higher education and research in locational terms*". Policy 2 sets out a sequential approach for general development, moving from the use of existing buildings and sites within built up areas to previously developed sites on the edge of or close to urban areas. Thus, in general terms this location satisfies that sequential approach.

7.60 In the Cambridge sub region, RPG Policy 23 gives specific guidance for research and technology based proposals. First, it emphasises the importance of sustainability by adopting locations "*where good public transport, cycling and walking access exists or can be provided*". The sustainability of the site has been considered above. Secondly, it requires that the location should be as a first choice "*within or by extension to the built up area of Cambridge*". Thus, at the regional level there is unequivocal support for this proposal.

7.61 While the DP policies are generally subject to compliance with Green Belt policy, the strategic policies in the Cambridgeshire SP 1995 are similarly positive. In particular, for research establishments in the Cambridge area Policy SP18/6 provides a positive presumption in favour of development of research

establishments, which are in the national interest and have a special need for a location in the Cambridge area. In the light of what has already been submitted in the evidence, it is manifest that this is such a proposal and should attract that presumption.

7.62 In the deposit SP, this proposal is itself reinforced in Policy P2/1, encouraging the continued expansion of high technology knowledge based industry in the Cambridge sub region. Moreover, Policy P2/4 encourages the development and expansion of employment clusters. An employment cluster does not necessarily envisage physical adjacency, but rather linking related skills and expertise within reasonable proximity and accessibility.

7.63 In the LP Review, SCDC has adopted as a proposed modification the amendment proposed by the LP Inspector to draft Policy EM5. This acknowledges the status of Cambridge with its *"research establishments of major national and international importance"*. And provides for a presumption in favour of uses that are in the national interest and have a special need to be close to the existing related establishment, but requiring that they should be *"well related to the built-up area "*. This modification was recommended by the LP Inspector and adopted by SCDC expressly to meet the new advice in RPG6, as it does. This proposal accords with that emerging Policy, which is at an advanced stage in terms of PPG1 ⁽⁴⁸⁾ and can be given substantial weight.

7.64 In conclusion, therefore, in respect of DP and related policy, subject to Green Belt considerations, DP policies support the grant of permission. Thus, the proposals should attract the presumption in favour of permission under s.54A of the Act.

Green Belt

7.65 As the proposal would comprise a new building within a Green Belt area and, thus, not within the exceptions within PPG2, it is accepted that in policy terms the proposed development would constitute inappropriate development in the Green Belt. PPG2 ^(3.1 and 3.2) establishes the necessity of carrying out a balancing exercise between the inferred detriment arising out of inappropriateness, together with any other actual detriment to the Green Belt, or otherwise, and the benefits of the proposal, to decide whether very special circumstances exist for an exception to be made. Having considered the current application in the light of the amendment to siting and the new design, SCDC concluded that, in the circumstances, the development is one for which an exception could and should properly be made for the purposes of Green Belt policy. That remains its view.

7.66 The starting point can properly be the particular function or objectives of the Green Belt in this area, which are to preserve the setting and character of the historic City of Cambridge, including its view. It is agreed in the SCG (4.5) that the appeal proposal *"will not harm the openness of the Green Belt or impact adversely on the setting of Cambridge, does not extend the current developed site significantly ... and will not significantly affect local views by which that character is appreciated"*. Its containment and the lack of any identifiable role in terms of separation of towns or

similar settlements have been commented on above. That is reflected in the visual envelope study (Document A63), which indicates the limited views that exist across or into the site.

7.67 Thus, in Green Belt terms, the distinct advantages of this site can be summarised as being previously developed land, its relationship to the urban area and the absence of any specific detrimental effect on the Green Belt function. To that may be added the benefits in terms of the appearance and landscape and the established fall-back position if permission were to be refused.

7.68 Alternatives are considered further below. However, in the Green Belt context it is apparent that there is no urban site available for this proposal. SCDC suggests none. Although it is suggested by some that it could be accommodated on the allocated employment land at north Cambridgeshire, the western site (Document CD16) is in the control of Gallaghers and subject to an application for 900 houses and 18,000 square metres of B 1 development, all in accordance with the proposed policy and, thus, not on any sensible basis available. The eastern site, at Chesterton sidings (Document CD16) is not available and remains operational railway land. If it became available, a major proportion of residential development is required to be included as well as other public/community uses. It is submitted that in neither case can the sites be regarded as available alternatives.

7.69 The University was challenged on the basis of the so called "catalogue of business opportunities". All of these have been examined and it is apparent that in no case would the operators of these business parks accept the use proposed. In the light of comprehensive consideration of these options there is no further reliance on these sites. SCDC accepts that other sites within the ownership of the University in the urban area, including West Cambridge, are not available or suitable for the proposal. So far as West Cambridge is concerned, this is committed to other proposals and would not be appropriate, particularly having regard to SCDC's own concerns over security.

7.70 So far as sites beyond the Green Belt are concerned, any such site would be too far to be sensibly related to the research centre function that is now proposed.

7.71 Thus, for the purposes of the 'Trust House Forte test' there is no acceptable alternative for this acknowledged need that would not be within the Green Belt. Insofar as Green Belts sites themselves are concerned, the proposed site has demonstrable advantages over the other Green Belt sites that have been suggested. This is well illustrated by SCDC's preferred alternative at North Madingley. This is a site that is plainly not sustainable in the sense that it is not previously developed land, nor is it readily accessible by foot or cycle (7.7 - 8.7kilometres ride) or regular bus services. Also, it is on the Madingley Ridge, acknowledged by SCDC to be an important part of the setting of Cambridge. It is also within an Area of Best Landscape and not one that has the ability, readily, to accommodate major development of the kind proposed, even with land modelling and landscape treatment.

7.72 Consequently, in terms of Green Belt policy, this is a case where an exception can

and should appropriately be made. The planning authorities and in particular SCDC accept this. Accordingly, the conclusion for the purposes of s.54A should be that, taking the policies as a whole, permission for the proposed development would accord with the relevant policies in the DP and that there should be the statutory presumption in its favour on this account.

Highway Safety

7.73 It is helpful to have the context in which this objection is taken clearly in mind at the outset. The objection is based squarely upon the Police evidence and in particular its proposition that "*demonstrations at the sites will be likely to result in road blockages of a serious danger to public safety*". On the basis of this, SCDC concluded that the site was unacceptable "*because of the risk to public safety*". This is not a case based on temporary inconvenience to traffic or interference with free-flow. The identified concern is one of public safety as a result of blocking the highways.

7.74 As previously submitted, the appeal site is one that has shown itself able to contain lawful demonstrations satisfactorily, without identifiable risk to public safety. This includes the ability to handle demonstrators at the site entrance, the width of the highway and the other locational advantages of the site. Against this background, it is appropriate to consider the 'scenario' relied upon by SCDC in support of its case.

Pickets

7.75 The first is picketing of the site entrance and one needs to distinguish between lawful and unlawful conduct. Lawful picketing could include a gathering of people and the use of placards and no doubt expressions of view to those coming and going from the site entrance.

7.76 The site arrangements are such as to enable entry into the outer enclosure without obstruction, which, in any event, would be unlawful. Even with the SHAC numbers involved in such picketing this is modest. (Document A10, Appendix 4) The numbers are commonly in single figures and invariably less than 20, so if one knows an advertised special event. As explained above, these numbers are well within the capacity of the area available at 307.

7.77 The Police raise a number of particular concerns. First, there is unlawful parking, but, as submitted above, there is no evidence to support this. On the contrary, such parking would be unlawful and readily dealt with. The second point concerns the space available for picketing. In the light of the numbers involved and the accommodation available there is nothing in this. The Police agree that a 100 or so protestors could be accommodated acceptably. Next, there is the number of vehicle movements attracted to the site. This would be limited and it is likely the majority would be from the Cambridge direction, which would be the minority flow in the morning peak hour. Thus, even if there were, on occasion, temporary obstruction, there would be ample room for cars to wait on the near-side lane for a short time prior to admission.

7.78 Fourthly, there is the possible distraction to other motorists, but again there is no evidence for this having occurred. So far as motorists on the nearside, and nearest to any picket, this would be at a point where there is good visibility with any traffic within or emerging from the 40mph restricted area. Given the highway dimensions and the opportunity for overtaking, there would be no material implication for public safety or for that matter inconvenience.

7.79 So far as the opposing flow is concerned, the entrance is at a lower level on the far side of the carriageway at a point where the general motorist is entering an urban area or a single lane section of the dual carriageway. In these circumstances, there would be no material risk to public safety. If there were, it would be something that in overall safety terms could be addressed readily by extending the speed limit, as discussed earlier. Thus, it is not likely that the lawful picketing of the site would be a source of risk to public safety. Indeed, the Police do not suggest that it would be. Their concern is in respect of blocking the highway, to which we now return.

Highway Blocking

7.80 The Police accept that they have not considered blocking off an individual lane, because in the context of the site this would not present any material risk. This is plainly right, as demonstrated by the instances of coning off the single lane on the 18 August 2001 and 16 November 2002. It is a particular advantage of the appeal site that it has ample carriageway capacity for this form of traffic management, as opposed to a more isolated site served off a single carriageway or narrow country lane.

7.81 So far as blocking off both lanes is concerned, the Police accept that there is little material concern so far as west bound or outward bound traffic is concerned. This is because of the speed limit, the good visibility and the ample carriageway capacity.

7.82 In assessing risks, one of course has to consider whether the identified risk would be likely to occur in any event. It has not occurred so far, notwithstanding demonstrations of up to 180 persons. Moreover, if blockage were to occur in both lanes, it would be more likely to be of the westbound carriageway closest to the site and, thus, not affecting the eastbound carriageway in any event.

7.83 So far as the eastbound carriageway is concerned, there is an area of reduced visibility as a result of the design of the A14 bridge, which is for a 40 mph design speed. Where vehicular obstruction arises within that area of limited visibility, the forward visibility is such that there is increased risk of a shunt accident. The degree of risk can, to an extent, be put in context by the fact that queues do form regularly during the morning peak hour, with the end of the queue within that area of limited visibility. Over the 5-year period of study there have been three shunt personal injury accidents, although not all occurring within that particular area of reduced visibility.

7.84 What then is the extent of the risk and can it reasonably be regarded as a likelihood, as suggested by SCDC in its reasons for refusal? SCDC cannot assist us on this as it has not analysed at all the risk of it occurring, but only the severity of the hazard if the

risk in fact materialises. The TMS risk assessment (Document SCDC4, Appendix WP4) also assumes a total blockage of both carriageways.

- 7.85 There are a number of factors that indicate that any risk of occurrence is totally remote and, thus, highly unlikely. First, as a matter of record this has never occurred or been remotely likely to have occurred. There has been no attempt to block the highway at all, save for the isolated incident which had three protestors sitting for some 5-minutes in the nearside carriageway on the westbound lane on the evening of the 12 October, an incident to which is referred to in more detail below. This of course affected one lane and not the whole carriageway. Secondly, if there were to be any blocking of the carriageway, it would be likely to be of the nearside or westbound carriageway, as the one closest to the site entrance.
- 7.86 Next, in any event, if there were to be blocking of the highway, it would be likely to involve substantial numbers of protestors and that would invariably mean full knowledge of the event on the part of the Police, whether from notice, advertisement or its intelligence sources. In the case of the larger HLS gatherings there has always been advance advertisement. It is accepted in the agreed statements, but for obvious reasons not elaborated upon, that the Police have available to them sources of intelligence including those from higher sources, albeit that the information may not be precise as to specific proposals or numbers. Such an incidence was the first demonstration on the 18 August 2001 when the Police had intelligence of a demonstration planned for between 12.00 and 17.00 hours. Demonstrators started to arrive just before that and the Police attended with two special traffic units and 25 other Officers. They were able to cone off a lane of the A1307 when it became appropriate, albeit no additional measures were necessary to enable this 'uneventful' demonstration to proceed safely into Girton.
- 7.87 There is no reason to conclude that, had it been appropriate to prevent demonstrators straying onto the carriageway, a s.14 Order could not have been imposed for that purpose, just as it was on the 16 November, because of the foggy weather conditions. It is wholly unlikely that any blockage of the eastbound carriageway by a larger number of protestors could occur, without the Police by that time being present and able to control the situation. In terms of getting equipment for the Police to cone off sections of the highway, CU would be perfectly content with a Grampian type condition requiring the storage of such equipment at the University's expense within the highway boundary.
- 7.88 Furthermore, blocking the highway in this manner would necessarily involve definite and planned criminality. Thus, care should be taken in placing weight on such a scenario. Insofar as it is suggested that this would be a form of SHAC-type unlawful demonstration, it is relevant to note that SHAC have not suggested they would seek to block Huntingdon Road. What was said, and is consistent with SHAC's activities at HLS, is that they would seek to block the M11, the A14 and Cambridge City Centre. For unlawful conduct of this character all this is understandable. If one is intent upon arranging through criminal means a mass block of a principle highway, why would one choose Huntingdon Road, when there are main arterial routes such as the M11 or the A14, or other city or town centres that could be chosen with manifestly greater effect? In any event, so far as Cambridge City Centre is concerned this has been the

subject of demonstrations by SHAC over the years, without any danger to public safety. There is no evidence to suggest that, so far as it is relevant, SHAC would secure a blockage of the eastbound carriageway of the A1307, at least without the Police being forewarned and in attendance to control the situation.

7.89 In any event, the point made is simply one connected with speed and forward visibility. The University provide the opportunity to extend the speed limit without any public cost, so that any risks from sub standard visibility is reduced or obviated. Any risk is remote and as the local highway authority Cambridge CC believes there is no need to extend the speed limit. However, if there were substance in the point advanced by SCDC, then the extension of the speed limit would go a significant way towards addressing the problem. No reason has been advanced why this course should not be followed, save that it is not necessary. If the speed limit were not observed, this would provide the opportunity, in accordance with the guidelines, for enforcement through a mobile speed camera. It could also be accompanied by the installation of a "Queues likely sign".

7.90 For all these reasons, the chances of blockage of the eastbound carriageway without the Police being in attendance are wholly remote. In any event, even that remote risk could be effectively addressed by extension of the speed limit or other traffic management measures. If this is accepted, it can and should be concluded that the principle ground for objection by SCDC has not been made out. There would be no material risk to public safety from the asserted likelihood of blocking the highway.

Migration

7.91 SCDC also raises concern over migration of demonstrations as another source of danger. It is not true that demonstrations at 307 have invariably resulted in migration to the City Centre. The Police evidence shows that on only three occasions were there migration and that only on one of these was it to the City Centre. On the 22 June there were some 80 protestors who assembled at 307 and then went on into the City Centre. There was no evidence of any problem arising from the assembly or the procession, save that, when they crossed roads *en route*, Police Officers stopped traffic in the side roads. This is a legitimate form of demonstration of public view and no suggestion of risk to safety was established on the evidence. It was not necessary for the Police to cone off any part of the carriageway or to make a s. 14 Order to control the demonstration.

7.92 The incidents of migration on the 18 August 2001 and the 16 November 2002 were both to Girton and again involved no risk to safety, albeit there was inevitably some delay to traffic, while the demonstrators crossed the road and progressed to the Village. On each occasion one carriageway was coned off, but without suggestion that this caused danger. On the 16 November the s.14 Order was made because of the foggy conditions. It was obeyed, with the demonstrators keeping to the entrance as instructed and then moving off within the time limit imposed. Far from either incident demonstrating risks to public safety, they amply demonstrate the effectiveness of the available Police powers and the suitability of the appeal site to accommodate demonstrations of this character. This is accepted by the Police, who made clear that their concern was not with the existing level of protest, but

what was feared could happen in the future.

7.93 Any suggestion that the evidence demonstrates an inherent inability for the site to allow for migration is rejected. In fact, SHAC did not suggest that they would seek to migrate or march into the City Centre. Indeed, that has not been a feature of protest at HLS. What SHAC have done, and no doubt will continue to do at HLS, is to identify a particular centre, be it Huntingdon or Cambridge or elsewhere, and seek to disrupt the centre directly. The concern of SCDC is to be distinguished from the isolated incidents of which the inquiry now has evidence on the 12 October 2002. On that date there was a demonstration in the City Centre organised by X-CAPE and attended by about 150 protestors. Subsequently and separately, about 35 protestors broke into 307 through the southern perimeter fence, not from Huntingdon Road. That in itself imposed no threat to public safety. They were duly evicted and the Police log recorded that they were "*behaving themselves*".

7.94 The single action to which attention is drawn is that thereafter ten protestors went on to the central verge and the Officer then noticed that three had sat down in the westbound, nearside lane blocking some ten cars or so, all in that lane. One assumes that they had stopped the traffic, albeit unlawfully, and then sat down in the carriageway, which was plainly inconvenient. Unsurprisingly, it was on the near side or westbound carriageway, and was readily dealt with by removing the protestors concerned. This is the sort of unlawful conduct, which could occur anywhere and which should not and could not properly amount to a material objection to this or any other site.

M11/A14

7.95 SCDC also raises concern as to the effect on the M11 or A14 from vehicles stopping to allow entry on foot. Again there is no evidence of this having occurred so far and no one could explain why protestors should want to stop on the A14 for access. It may be thought that, if they stop on the M11, it would be in some way or other to secure a clandestine approach. In these circumstances, it is hardly likely that a vehicle would be parked on the motorway hard shoulder, drawing obvious attention. If it was in connection with a public demonstration, there is no reason why access should not be achieved conveniently from Huntingdon Road or otherwise. In any event, parking or stopping of this kind on either road would be unlawful, and would, if it were of consequence, be readily controlled through existing Police powers.

7.96 SCDC draws attention to the diversionary routes available and its only concern in this respect is the risk of congestion at peak times. The availability of diversionary routes, in the unlikely affect of a total blockage, is an advantage as opposed to a disadvantage of this location. Any congestion would not, itself, amount to a risk to public safety.

7.97 What the Council does not refer to, nor indeed does anyone else, is the point raised

by the Inspector on Day 2 of the inquiry in questions to the Police. This is the possibility of hanging banners from the A14 bridge. This is a matter to be tested on the evidence as to the likelihood as distinct from speculation. First, it is relevant that, there has only been one occasion (**Document A76**) involving the display by SHAC of a banner from a bridge. This was the National Westminster Bank in 1999 and did not involve a trunk or motorway road bridge. SHAC did not hint that this form of demonstration would be adopted or was it suggested to them. In any event, if it were intended to put a banner on the motorway bridge, drawing attention to objections to the research centre, why place a notice on this bridge, which is not on the central flow of the A14 traffic.

- 7.98 Any views from the M11 of a banner on this bridge would be at a considerable distance. For southbound drivers the view would be well to the left and any banner unlikely to be noticed at all. For the northbound driver the view would be even more distant with the southbound carriageway intervening so that it would unlikely to be noticed or create any distraction. It would appear much more sensible, albeit a little more remote, to use a bridge on the M11 or further north on the A14, where more motorists would see it. There is no evidence to support the contention that conduct would be likely or associated specifically with the location of the research centre on this site.
- 7.99 Moreover, one should consider the extent to which any consequent disruption would be dangerous. There are commonly signs along motorways and on occasions unauthorised signs besides motorways, such as on farm trailers and buildings displaying notices for the attention of those on motorways and other arterial roads. The motorist is generally well able to maintain proper attention to the road conditions in front of him/her, notwithstanding such distractions. The display of banners from the A14 bridge would, in any event, be unlawful and readily dealt with under Highways Act powers.
- 7.100 Finally, reference was made to the visibility of the site from the MI 1. In this respect, the site has benefit rather than disadvantage. Any view from the MI 1 would be of the rear of the proposed research centre and largely filtered through the existing vegetation. On all the evidence, it appears improbable that this area would be the focus of activity. Such activity has been suggested would be on the Huntingdon Road side. From this point, the activity would not be visible from the MI 1 even in the early years. This location would be on the far side of the building structures and the existing screening, so that any views from the M 11 would be restricted, if they exist at all.
- 7.101 Thus, for all the above reasons the evidence demonstrates, at least so far as lawful objection is concerned, the absence of any proper basis for a finding of unsuitability so far as this site is concerned. This conclusion is of course consistent with the Police confirmation that its concern is not with the affect of demonstrations to date, but what may occur in the future and the fear that campaigns such as SHAC would be attracted to the site. This site does not itself have any special sensitivity so far as unlawful conduct is concerned. In particular, campaigns such as SHAC are directed towards individuals and to causing maximum disruption. Thus, it is SHAC's threat to disrupt the MI 1, the A14 and City Centre and not the Huntingdon Road, which is crucial. No doubt the same threats could be made if the centre was to be proposed at North

Madingley, Laundry Farm or anywhere elsewhere on the periphery of Cambridgeshire.

7.102 In any event, SHAC is a campaign dedicated against HLS. Contrary to its objective announced in 1999, to close HLS down in 3-years, HLS not only continues in business, but also evidently enjoys increased profitability and turnover. There is no indication that this campaign has achieved its objective or that SHAC intends to abandon this objective, even though it has not been achieved within the stated 3-year target. While the demonstrations against 307 have been in the public domain since August 2001 and have involved individuals who have also been involved in the SHAC campaign against HLS, until the letter of the 18 November 2002 there was no indication of a public statement that the proposal at 307 would be included as part of the HLS campaign or any new campaign. It is no coincidence that this letter was produced following the exchange of evidence and the identification of the issues in this appeal, including the analysis of the character demonstration attracted to 307. It is in fact no more than a personal statement on behalf of a SHAC member, no doubt trying to bolster the case of those objecting to this proposal. The accompanying newsletter dated the 1 December 2002 makes no references at all to 307. There is no evidence that a new campaign has or would be organised or that it would command the support of those prepared to engage in criminal behaviour for the purposes of unlawful intimidation and disruption, as has been the case at HLS.

7.103 When one looks at the new SHAC newsletters before the inquiry, they are wholly concerned with HLS. Even the newsletter that announced the availability of the City of Cambridge map (1 December 2002) (Document A58) did not intend the information for the purpose of demonstrations against 307. It was simply on the basis of demonstrations against HLS becoming mobile and targeted at any City Centre, including Cambridge. The Police have mobile units specifically to deal with these mobile demonstrations. They are, of course, not site specific in any way to HLS or otherwise. Thus, so far there is nothing to indicate the existence of a new SHAC associated campaign against 307 Huntingdon Road.

7.104 For the future the University remains confident that no campaign equivalent to HLS is likely to be commenced against 307. There is indeed no other campaign equivalent to that against HLS. HLS is of a totally different order from the centre proposed 307, being international, involving some 900 employees at the Huntingdon premises alone and being directly involved in commercial research. However if it did occur, there is nothing inherent in the proposed 307 location that would make it less suitable for the purpose than any other available site.

7.105 Indeed, compared to the site at North Madingley, there would be considerable advantages, having regard to the fact that 307 is not an isolated or remote location and the consequent accessibility and security for research and other workers at the premises. Moreover, the SHAC type tactics are such that they could in any event cause similar disruption to major trunk roads in the vicinity, be it the A14 or M11 together with targeting city centres such as Cambridge or other University premises. There is no reason to believe that Girton College would be a specific target any more than any other CU college premises. Thus, even if one is to consider the effects of

criminal damage as threatened by SHAC, one should not conclude that 307 would be unsuitable for the proposed development or otherwise specially vulnerable or sensitive on this account.

Alternative Sites

- 7.106 Finally, we deal briefly with the assertion by SCDC that CU have not considered alternative sites or refused to co-operate in a joint search. This contention is expressly rejected. The University has been advised since 1999 about the availability of alternative sites, and none have been found that is better than the appeal site.
- 7.107 Moreover, this advice is not limited to University owned sites. In this context availability in terms of land ownership is relevant when it comes to meeting a need, particularly where the authority is not suggesting use of compulsory purchase powers as here.
- 7.108 Following enquiries and assessment CU are entirely satisfied that there are no more suitable, alternative sites available. In particular, on the 22 February 2002 SCDC invited discussion on a new alternative. Following the meeting that was finally arranged between CU and SCDC on 6 June 2002, and in the light of SCDC's Rule 6 Statement, the University wrote on the 1 July 2002 asking what SCDC's position so far as alternatives were concerned. The answer on the 30 July 2002 was simply *"little more than us urging that the search for alternative sites should continue and an assurance that we are happy to be part of the team that does the search"*.
- 7.109 In the light of this letter and the renewed request for clarification at the PIM, it is disappointing that SCDC should have chosen not to review its reliance on specific alternative sites until it served its proof of evidence, which was further elaborated in a subsequent statement. However, on analysis it can be seen that these alternatives themselves tend to demonstrate the absence of suitable alternatives and the superiority of the appeal site. North Madingley, has already been addressed under the Green Belt issue. To these submissions can be added the relative disadvantages of its highway access. The weaving from the A1307 northbound to the Madingley Avenue turn-off across the A 14 joining traffic, accepted by SCDC as *"inherently undesirable"*, and the circuitous return trip using the Dry Drayton overpass to the north and the difficult slip to rejoin the A14 southbound. It should be noted that the Madingley Avenue sites are the only alternatives still being put forward by SCDC.
- 7.110 Laundry Farm is accessed from the A603, itself at risk of congestion in the event of obstruction, but only having a single carriageway. It is subject to Policy NE2 of the Cambridge City Plan, being within the protected cone of vision for the setting of the City and its skyline. Moreover, it is acknowledged that the shared access at Laundry Farm would itself be inappropriate.
- 7.111 SCDC, rather surprisingly, suggested the possibility of the NIAB site. This is novel, but unsupported, and on examination it is plainly not available. The relocation of the existing use is dependant upon the commercial returns from housing developments, for which it is well suited, having regard to its immediate proximity to existing residential areas. This is now supported by the letter from NIAB (Document A70).

7.112 In conclusion, therefore, the appeal site is suitable for the reasons set out and the ground of refusal is not made out. In any event, there is no better alternative to meet the need. The isochrone plans (Document A81) prepared for at the express request of the Inspector show the 5km cycle isochrones for the Addenbrookes and the Downing sites and a reasonable travel isochrone for cars from these sites. Within the overlap no suitable sites can be found.

Other Matters

7.113 As said in the introduction, the issues to this case are limited. Essentially there are only two issues. The Green Belt and public safety. These have been addressed. Other objections that have been raised have been comprehensively addressed in the rebuttals and/or are not of materiality. Brief comments, are made, however, upon the scientific evidence that has been adduced. This is made against the background of CU's submission set out earlier as to its materiality as part of any planning decision.

7.114 In the first place, reference is made to the statement made on behalf of CU in respect of the scientific evidence (Document A82) The point has already been made (Document A72) that effectively this inquiry does not have direct evidence of relevance from any neuro-scientists. Such evidence is found in the written submission provided on behalf of the University (Document A2, Appendix 2) and the various rebuttal statements (Document A82). No one doubts the pedigree or authenticity of these statements, as confirmed by Sir Keith Peters, who is himself a scientist and able to speak directly to such matters.

7.115 As a matter of approach, it would be an error of law and not justified on the evidence to discredit the value of evidence in written form, simply on the basis that it is written and not subject to cross-examination. While the opportunity to hear directly from a witness and exposure to cross-examination is a material factor in assessing weight, it is not and cannot be regarded as conclusive as to its weight. Given the circumstances referred to earlier as to the context of the scientific evidence and the particular reasons for not calling any neuro-scientist directly involved in animal research, it would be quite wrong in law, or as a matter of approach, not to give weight to that written evidence. Moreover, this weight can properly be increased in so far as the evidence accords with the conclusions of the House of Lord's Scientific Committee and the Medical Research Council as well as the views of the Government itself.

7.116 Against this evidence, in so far as it is relevant at all, there is the evidence of Dr Ray Greek who, when questioned, accepted a number of important propositions. First, he accepted the importance of research into the understanding of and hopefully remedies for brain disorders, including stroke, multiple sclerosis, Parkinson's disease and Alzheimer's. Secondly, if animal research is to be carried out it should be carried out to the highest possible standards and to the greatest effectiveness.

7.117 Thirdly, given the impossibility of precise prediction, the value of research can only be assessed through its track record and by rigorous peer review. Those questioning peer review are in a very small minority and, of course, one could not give evidence without peer review. Fourthly, although Dr Greek's evidence is consistent with his belief over the last 12-years, it has remained a minority view. Finally, Dr Greek's

evidence does not contain anything that has not been previously put forward and considered by other bodies, including the House of Lords Select Committee.

- 7.118 Generally it is Dr Greek's submission that, so far as peer review of animal research is concerned, it is *part of an incestuous buddy system* " and that the MRC is misinformed. Indeed, he went as far as to say that the whole programme was driven on commercial principles and that the scientific community at CU is promoting the centre as a self interest to perpetuate its own commercial and academic ends. These are extreme allegations and entirely without evidence to support them. They are of course wholly false. The fact remains that Dr Greek is not a neuro-scientist and, in so far as his views purport to be based on scientific evidence, they are in the extreme minority and isolated against the overwhelming predominance of scientific and informed opinion.
- 7.119 If taken to its logical conclusion, the effect of what he advocates would be to stop in mid-track a vital area of research presently carried on by the University as part of its overall research programme into brain disorders. This embraces autopsy, clinical observation, in vitro research and experimentation. The support for the proposed centre by scientists and clinicians otherwise involved in this research programme is in itself compelling. The only two publications on this matter by Dr Greek and his wife have minimal citations and the only two reviews are deeply hostile.
- 7.120 So far as research into Alzheimer's is concerned, Dr Greek, conceded that, while the animal model does not replicate the total pathology, it does enable specific pathologies to be modelled, something he accepted to be of considerable value to research. Equally, and perhaps surprisingly, he is unaware of the established work, which has reproduced tau and cell loss through B-amyloid, but only in aged rhesus monkeys. This is research pioneered in Cambridge (Document C08, Reference 8). Thus, scientists have a similar pathology within the rhesus monkey, on which research is continuing with the prospect of a discovery of a vaccine or remedy. Similarly, Dr Greek conceded that the identification of the degeneration of the cholinergic system associated with Alzheimer's is through animal research, as has been the development of the use of neuro transplants.
- 7.121 So far as stroke is concerned, in respect of which Dr Greek claimed that no effective treatment had emerged from research on animals over a number of years, he again conceded that, the important discovery that ischaemic brain tissue could be resuscitated by reperusing blood as long as three hours after the original insult was through experimentation on animals (Document A22"). His own reference, (Document C08, Reference 1) notes that the deficiency and subsequent clinical trials including the timing of the treatment and the numbers used in the original trial. This is again work that continues.
- 7.122 Dr Greek accepted, also, that the anti-thrombolytic agent extensively and successfully used in the treatment of stroke was developed by Zivin in 1989, through animal experimentation. Also, the injection of rt-pa to recanalise the blocked brain artery was itself developed through animal experimentation.

- 7.123 Given the assertion commonly made by objectors of the inadequacy or ineffectiveness of animal research for the treatment of stroke, it is important, also, to note Dr Greek's evidence and awareness of the work of Nudo on the motor cortex of monkeys. This led to new treatment in rehabilitation, evidenced in the Neuro Science 2002. Dr Greek also acknowledges that the relatively quick recovery of animals subject to induced stroke is because of the limited restriction applied to the basal ganglia in order to limit the stress to the animal involved.
- 7.124 Moreover, as evidenced in the article from Neurology 1998 (Document C07, Article 10) CMZ has been developed as a neuro-protectant to reduce the effect of stroke through experimentation on animals. Similarly, NXY059 has been developed through animals, which has proved very effective for brain protection as part of stroke treatment. Finally, nimodipine has, contrary to Dr Greek's assertions, been of considerable value in the treatment of sub-arachnid haemorrhage in male victims so as to limit consequent spasm.
- 7.125 In all these cases the relief to individual patients may be of inestimable value. In each case research is continuing. It is Dr Greek's hypothesis that this research should now be terminated. It is scarcely surprising that Government policy, informed opinion and the overwhelming view of those involved is to the contrary effect.
- 7.126 Similar results have been achieved in the context of spinal cord injuries, enabling the application of treatment up to three hours after injury.
- 7.127 So far as Parkinson's disease is concerned, it is beyond any reasonable doubt that the original discovery of L-Dopa and its value in treatment of the loss of dopamine was through experimentation on animals by Carlsson, who was awarded the Nobel Prize on this account. So far as on-going treatment is concerned, this is largely involved in neural transplants, itself dependent upon animal research.
- 7.128 In respect of multiple-sclerosis, Dr Greek appears to confuse aetiology (causation) with pathogenesis (the cure). The induction of impaired myelin in animals enabled the development of treatment by way of remyelination. In this devastating disease, this form of research is of an importance that cannot be over estimated.
- 7.129 Copaxone, which is widely in use (Neurology Review 2001) and licensed in this country and in America, produces important, although not universally successful, results. It was developed using animal research. Again where it is successful, it can be of tremendous value to that patient, a benefit or relief which should surely, whether looked at with the eyes of a scientist or human being, not be denied.
- 7.130 While not central to the discussion on brain disease, it is not without significance that the £ 16M 5-year programme announced on behalf of the Medical Research Council for the treatment of HIV in Africa itself flowed from work on SHIV monkeys, as reported in the Journal of Virology 2001.
- 7.131 When the evidence of Dr Greek is considered in the light of cross-examination and the rebuttal papers provided by the University, two conclusions can and should be

reached. First, the self-evident good sense of Government policy in this respect, in the interest of common humanity. Secondly, the unfortunate but pervading misconception or misunderstanding on the part of objectors as to the facts that underpin and demonstrate the essential role of the form of research that this research centre would facilitate.

- 7.132 It is in this light that one can consider the evidence on behalf of BUAV. The University note that Dr Langley thought better than to come to speak to her evidence. She is, however, a member of the Animal Procedure Committee, part of the Home Office licensing procedure. CU respect BUAV's commitment to its views and equally their aversion to any use of unlawful means. In this respect they reflect the position of most of those who are opposed to animal research. Dr Langley, herself, gave evidence to the Select Committee of the House of Lords, evidence with which that Committee plainly did not agree. In so far as BUAV relies upon the evidence of Dr Ray Greek, CU's position is set out above. The article in the New Scientist (7 December 2002), produced by BUAV in their letter dated the 20 December 2002 does not focus on animal research. It is dealing with all forms of research into brain disorders. The conclusion to be drawn from this article is not that such research should be abandoned, but rather there still remains much to be done.
- 7.133 BUAV's second principle concern relates to the practices alleged to be used by this University in its existing research facilities. Similar assertions were made against Harlan Hillcrest not so many years ago and were almost totally rejected by the independent Home Office investigation in December 1999. As to the independence of this process, there appears to be some confusion between the criticism of the licensing and monitoring process itself and the investigation of the actual research carried on by the licensee. So far as the latter is concerned, it is entirely apparent that there is an independent system of supervision and enforcement under the control of the Home Office. This is both rigorous and effective. The CU witness spoke from personal experience of this and informed the inquiry that there were 20 reported infringements in 1999, 39 in 2000 and 37 in 2001. During this period, 13 licences have been revoked.
- 7.134 So far as criticism of the conduct of the Home Office itself is concerned, this is a matter for Parliament. BUAV has made its own views known, but, so far as CU are aware, they have not been accepted. What is absolutely clear is that it is not the proper or relevant matter for investigation by this inquiry.
- 7.135 Similarly, the forthcoming outcome of the investigation of the complaints by BUAV against CU should not be regarded as material in the present appeal. So far as any procedures are deficient, which is not accepted, they would, if anything, add weight to the advantage of providing up-to-date state of the art facilities such as proposed in the present application. In our submission, the evidence from BUAV adds no material weight to the issues relevant to the present appeal. Moreover, it must be remembered that animal experimentation is necessary prior to clinical trials of drugs being permitted on humans. Under the present legislation, therefore, the use of animal experimentation to test drugs is inevitable.

Conclusion

7.136 *In conclusion, it is submitted that this appeal should be allowed. This decision should have regard to the need for and advantages and the provision of world class state of the art facilities for neuro scientific research, in accordance with Government policy and the national interest. The location at Cambridge as a centre of excellence for this research and related development, again accords with Government policy. There is the support of the DP and RPG policy for such development in this location and on this site, together with the justification as accepted by SCDC, for an exception to be made in the context of Green Belt policy.*

7.137 *The location is capable of accommodating the lawful expression of any public dissent, without threat to public safety or otherwise. Finally, there is no other legitimate objection to the proposed development, including that stemming from criminal or unlawful threat or intimidation or other conduct. Accordingly, the Inspector is asked to recommend and in due course the SoS to allow this appeal and for planning permission to be granted, subject to the conditions as agreed or as may be appropriate.*

8. THE CASE FOR SOUTH CAMBRIDGESHIRE DISTRICT

COUNCIL The main points are:

Introduction

8.1 The main points addressed in the Council's submission embrace security, highways and safety and alternative sites. Reference is made to some of the other matters in passing, but they do not form part of the Council's objections to the proposal. The three main issues are linked and it is necessary to make connections between the evidence of witnesses of different disciplines.

Location of the site

8.2 The appeal site lies on and is directly accessed from the A1307 Huntingdon Road. This is one of the main radial routes into Cambridge. It is some 4km from the site to the City Centre, following the Huntingdon Road, up Castle Hill and along Magdalen Bridge Street into the heart of the City. To the south and west the site adjoins a field in the ownership of the Appellants which, in turn, is bounded by the A14(T)/M11 southbound slip road. The slip road continues, wrapping around the west of the site, separated, again, by fields. Some 65m to the west of the site entrance, the A1307 takes the form of a road/pedestrian bridge over the A14T, the latter road continuing westwards for a short distance before merging with the M11 at the "clover leaf" junction 14 and changing direction to go north-west to Huntingdon and beyond. Out of this edifice of engineering ingenuity, as if by sleight of hand, is conjured the

A428, heading on due west.

8.3 The south-east bound A14 presents drivers with three options. They can carry straight on merging with the MI 1; bear slightly to the left on to Cambridge, over the bridge on the A1307; or taking the north-east slip road onto the A14T round to the north of Cambridge. The layout is indicated on **Document SCDC5, Plans WP1 and WP2 and Document SCDC8, Appendices A1, A2 and A3**. The photographs (Document SCDC23) also clearly show the bridges over the A14 and A428.

8.4 Turning to consider the details of the highway network, several matters are relevant. First, with regard to speed limits, there is a gradual increase in permitted speeds going westwards along Huntingdon Road out of Cambridge. It is 30mph from the City Centre as far as Storey's Way, where it increases to 40mph as far as the western edge of the University Farm site. It is then 60mph for a short distance until the start of the dual carriageway section, just to the east of the entrance to the appeal site, after which it becomes 70mph. Obviously these speeds apply in reverse for traffic travelling eastwards. Recorded 85th percentile speeds reflect these limits. Opposite the site entrance they are 52mph eastwards towards Cambridge and 59mph westwards and on the eastbound carriageway of the A 1307 bridge the figure is 64mph.

8.5 It is common ground that the eastbound vertical alignment sight stopping distances on the A1307 over the A14 are deficient for a 70mph stretch of road. The practical effect of this deficiency is that there is an area where the time/distance required in order to stop when travelling at the permitted speed is inadequate. The situation regularly occurs at the moment in the morning peak hour, but the highway safety implications of a problem are more serious off-peak. This is due to the surprise element; the greater distances between vehicles so that there is less of a warning from brake lights; and the queue takes longer to form, so there are longer periods of inadequate visibility (1' /2 to 7/4 minutes).

8.6 In describing the surrounding road layout in some detail, the following facts are clear. It is complex and the appeal site is close to major trunk roads/motorways. The location of the site is at the point where the inter-urban road network gives way to the urban and the site has direct access off the A1307.

Likely Protest Activity

8.7 On the basis of the Police evidence and evidence, live and written from third parties, SCDC considers it is reasonable to conclude that the proposal would continue to generate controversy and objection. Moreover, this controversy and objection would find expression in a variety of different ways. One manifestation of the protest would be a 'picket' at or near the entrance to the site, directing comments, arguments and information in a more or less hostile manner at staff and other visitors as they enter and leave the site. Steps are likely to be taken generally to undermine or intimidate staff and others connected with the site.

8.8 Another manifestation of the protest would be group demonstrations of varying sizes and

kinds, some or all of which would impinge upon Girton Village and the route of the A1307 into Cambridge City Centre. There are likely, also, to be other forms of protest activity - "*direct action*" - the precise nature, timing and number of which it is neither possible to predict, nor to pre-empt by preparation. As the University disputes some of these predictions it is necessary to examine the evidence carefully.

Evidence

- 8.9 The proposal and its progress through the planning stages have generated widespread public interest, concern and opposition. Thousands of letters of objection at application and appeal stages have been submitted from all over the country and some from abroad. Some have clearly been co-ordinated by organisations or campaigns. Several of the authors express an intention to protest at the site should the proposal go ahead and some state that they have already taken part in such demonstrations.
- 8.10 Primate research is particularly repellent to many people. The University's primate research has been the subject of the well-publicised BUAV video and associated campaign. The consequent Home Office investigation, whatever its conclusions, is unlikely to satisfy some or all of the campaigners. BUAV perceive the inevitability of bias. Thus, some individuals and groups would continue to feel the need to undertake protest activity of different kinds.
- 8.11 Animal experimentation attracts considerable and very strongly felt opposition from many people. BUAV's factual letter (Document BUAV6) is at odds with CU's assertion that the media are no longer very interested in the subject and/or that their current admitted and considerable interest is limited to the planning stages of this proposal. The BUAV and SHAC videos are highly emotive, both in the sense of evincing sympathy and disquiet about the fate of animals and, in the case of SHAC's video, in the sense of motivating people to take action to stop the work. Some of this material has received widespread coverage on television, radio and in the press, at national and local levels.
- 8.12 Several recognisable groups, organisations or campaigns oppose CU's proposal. These include BUAV, the "Coalition" (comprising animal aid, NAVS, Naturewatch, PeTA, UNCAGED and X-CAPE), ARAN (Animal Rights Action Network), NIAAE (Northern Ireland Against Animal Experiments), and SHAC. It is difficult to draw hard and fast lines between these groups, because sometimes personnel, sometimes information/publicity and sympathies/support are shared. So, most of those who oppose this scheme belong to national organisations and many also support SHAC.
- 8.13 Joan Court went on to refer to the Animal Rights Coalition (ARC), to which she and her fellow X-CAPE members are affiliated. ARC has 1000 active members, who can be called upon to attend demonstrations at any time. As it is impossible to draw the clear lines that CU do, and, thus, the basis for predicting no serious trouble is flawed. Joan Court concluded that, if built, this facility "*will become the focus of every active campaigner in this country*". She spoke of having received at least "*100 calls from outraged protesters and others*" in October and November alone. She believes that campaigning and especially civil disobedience will increase. When asked by the

Inspector to give reasons for her belief, she said that it was the particular nature of the vivisection, which had caused "outrage". It was perceived as a "departure".

- 8.14 Whether or not this is strictly accurate, that primate research is underway at the University is not the issue. This is revealed by the BUAV video. The relevant point for the purposes of this case is that the practice has now been highlighted. The publicising, through BUAV's video and associated media coverage as well as this prominent planning appeal, of the University's work in this area and concentrating it in one well known location, coupled with the particularly controversial primate involvement are calculated to trigger protests across the whole spectrum of animal rights activism.
- 8.15 Joan Court is not alone in expressing these views. Members of SHAC have also made their intentions plain stating that *"we are very interested in Girton. Cambridge University have overlooked that"*. SHAC have declared a campaign against the project, with all the implications of SHAC's direct action methods. Under cross-examination, in the face of evidence from Joan Court and SHAC, CU adopted a somewhat different stance from the one taken in their written evidence. It was conceded that it would be *"staggering if local animal activists in Cambridge are not involved in SHAG and 307 campaigns"*. They also recognise that SHAC *"will have to be seen to be a bit interested"*. Of course, as was agreed, this is CU's own gloss on SHAC's words. The University also suggest that SHAC, or its ringleaders, would not start a new campaign unless and until they had succeeded in closing HLS. However, SHAC was not crossexamined as to this or any other aspects of their intentions.
- 8.16 While SCDC does not condone any extreme or illegal forms of protest, the University understated view is, at best, a heroic assumption. At worst, it is unfounded recklessness. SHAC's and other evidence show the lengths to which protesters are prepared to go. At present, the relevant point is the seriousness of their intentions, but the practical implications of some of their methods are considered later.
- 8.17 The Police, on the basis of their experience at HLS and elsewhere, treat the extremists seriously. Apparently, so do the University's 'anonymous scientists', who would work at the facility. Professor Peters made it quite clear that he would not participate in the research and for reasons of prudence he was giving evidence as Head of the Faculty, rather than one having direct involvement with animal research. Since protests and other activities, for example taking photographs as *"a standard tactic"* and selling maps of Cambridge for protests, have started at 307, CU have erected a second pair of security gates.
- 8.18 The University rule out the University's West Cambridge site, because it would be *"an unwelcome neighbour, which if built would inevitably have a detrimental effect on the commercial research investment, presence and activity at the site. Those raising capital funding for West Cambridge projects have a similar view"*. The University also raise the non-adoption of the highways on this site as an obstacle, because of reduced Police powers over demonstrations. Commercial developers/owners take a similar line. Insofar as the University suggests either that protests against 307 would be confined to moderates or that SHAC is a SHAM, it is a lone voice.

- 8.19 As to the nature of demonstrations/protests, it is apparently accepted that intimidation of staff and a regular presence at the entrance would occur. This is a regular feature at HLS. This morale sapping activity is combined with "home visits" and indirect, postal harassment. There have already been a number of group demonstrations against the proposal, both at 307 itself and in the City Centre. Some of these protests have caused traffic disruption or road blockages. Two went into Girton Village and one processed along Huntingdon Road into Cambridge. Another was associated with a City Centre protest and involved a mass trespass onto the appeal site and one involved a deliberate obstruction of the westbound carriageway of the A1307.
- 8.20 Police do sometimes have information in advance. Some of it is accurate, some misleading. On one occasion a route not involving 307 was agreed, but protesters ended up there. From this resume it can be seen that, even with larger demonstrations, there can be elements of surprise, which impinge upon the ability of the Police to deal with events. The HLS protests also reveal a tendency to move about or to change tack at the last minute.
- 8.21 The last category of protests is, by definition, impossible to specify in detail. This is the assortment of 'direct action' activities whose purpose is to cause maximum disruption. The University agree that the extremists reveal volatility and variability in their tactics and are not unintelligent. It is reasonable to suppose that they will make the most of any given set of circumstances. So, for example, at HLS, which does not have its access on a busy road, but which does have 2 exits, lock-ons are used to block both exits and trap workers inside for hours.
- 8.22 At 307, the conglomeration of major routes is a temptation to cause maximum disruption to road users, as in the A1 and A14 incidents directed against HLS. SHAC has said as much and gave a glimpse of what SCDC and the Police, at least, regard as the blindingly obvious: "*it is not bright to put it next to the M11 interchange*". SHAC draw analogies with the Newbury Bypass protest and refer to tunnelling at these major roads. Tunnelling as the Police confirmed has occurred at HLS.

Implications of Protest

- 8.23 Assessing the implications of the various kinds of protest activity involves considering the protests in relation to the functioning of the proposed use, its location and practical policing. This section will make an assessment of the types of protest discussed in the previous section.

Picketing/Intimidation of Staff

- 8.24 The combination of picketing at the site entrance and intimidation or harassment of staff at their homes makes it unlikely that the modal shift to walking/cycling/bus projected in the Green Travel Plan for the site would occur. The University Green Travel Plan makes no reference to site security. This is not altogether surprising, but the failure to give this issue any attention in the site specific Green Travel Plan (Document 8) is wholly unrealistic.

8.25 The surveyed modal split for 307 Huntingdon Road and "*other more remote sites*" is 62% car, 19% bicycle, 10% foot, 1 % bus. The proposed statistic is 65% car and 35% other in years 1 and 2 and 50% from year 3. The basis for this optimism is a combination of managed car parking (38 spaces for employees, 7 spaces for visitors)

covered cycle parking and the introduction of a pedestrian/cycle route on the south side of Huntingdon Road (where one already exists on the north side). The nearest bus stop is 750m (9-minutes walk) from the site entrance. Interestingly, in the event that the target modal split is not met, provision is made for considering "*alternative actions*" including a mini-bus service between Departments and the site and restricting certain car parking spaces to car sharers.

8.26 The optimism of the Green Travel Plan about walking, cycling and bus modes is flawed and it is admitted that account has not been taken of personal security issues. The University, commenting on evidence as to picketing at HLS, agree that staff would feel more secure in vehicles than on foot/cycle.

8.27 In addition, there is not a very big holding area for protesters/pickets at the site entrance. While there would be a space of 65 square metres which, in itself, could hold approximately 100 people, when the security gates are open to let vehicles in and out, the situation would be less straightforward. There are disadvantages for both road users and protesters of this happening directly off the Huntingdon Road, where 85th percentile speeds westbound are in excess of 50mph, as opposed to HLS site, where the site entrances/exists are off the minor Woolley Road.

Demonstrations/Direct Access

8.28 The effect of these activities would depend on several factors. First, the number of protesters. Secondly, the amount and accuracy of information the Police receive in advance and their response times. Thirdly, the willingness or otherwise of protesters to comply with Police requests/orders and finally, the speed of traffic using roads in the proximity of the site.

8.29 Numbers of Protesters

As noted above, the entrance area at the site is limited and gives directly onto Huntingdon Road. On 18 August 2001, when a total of some 170 protesters attended the site, Police had to close the nearside westbound carriageway of the road by the stage of about 100 being there. This closure was in place for 2 1/2-hours along the entire site frontage. Similarly, on 16 November 2002 Public Order Act powers were used to require protesters to remain in the site entrance area. Nevertheless, it was judged necessary to cone off the westbound carriageway owing to its closeness, numbers of protesters and fog.

8.30 On 18 November 2001 protesters wished to proceed to the City Centre, which is, of course, quite feasible given the location of the appeal site. Their original intention was to process on the westbound carriageway against the flow of traffic, but they were persuaded by the senior police officer to cross the road and use the bus lane, and instead walk round to Girton Village. Effecting this change of plan necessitated closing both east and westbound carriageways for about a quarter of an hour. Some obstruction of the road through Girton also occurred, with consequent disruption and annoyance to other road users. Although the police described the event as a *peaceful and mainly uneventful from a police perspective*, it remains the case that roads in the vicinity were partly or wholly blocked and disruption was caused. Some SHAC activists attended and spoke, but the protest was organised by X-CAPE and there was obviously a reasonable level of co-operation with the Police at this event.

8.31 It reveals the limitations and disadvantages of the location, however. There is the lack of a holding area other than the road; the lack of parking, leading to parking in Girton; and the geographical invitation for mass migration into the City Centre. Indeed, that is what occurred, with about 80 protesters on 22 June 2002, with consequent obstruction to the A1307 as the procession crossed side roads. 50-60 protesters moved off towards the City Centre on 16 November 2002.

8.32 During these demonstrations, of course, the site has only been operating at a very low level (down to nine staff) and not for the proposed use. Managing protesters has not, therefore, been compounded by picketing or other actions directed at staff or visitors, nor by vehicles manoeuvring into and out of the site. Nor, have extreme activists yet organised any events at 307. Even so, the highway has been obstructed on several occasions even by these *"mainstream"* protests. Additional features of demonstrations are large banners and extremely loud noises, both of which have the potential to cause highway danger.

(ii) Amount and Accuracy of information received by Police in Advance/Response Times

8.33 The University approached their assessment of the effects of protests on the following assumptions. First, that large demonstrations would always be known about in advance. Secondly, that the Police are normally able to find out about demonstrations, which are not advertised in advance via intelligence. Finally, *"when they are aware that a demonstration is going to be held, the Police can assess the likely numbers that will attend and plan appropriate measures to ensure that the protests pass **off** peacefully and without endangering public safety"*.

8.34 As the Police explained, these propositions over-simplify the reality of the situation. The Police may know that there will be an event and expect it at a certain location on a certain day. They will not know exact details, however, and, in particular, are unaware of the protesters' intentions, so their availability to make an effective policing response is hampered. On 18 August 2002, the Police were under-prepared when they were tipped off about *"a small action"*. In fact 170 protesters materialised. Sometimes the Police will agree details with an organiser, but often no-one will take responsibility or alternatively, a plan will be agreed, but then protesters depart from it, as on 12 October 2002.

8.35 In the case of extreme, one-off "*direct actions*", surprise is, of course, a tactic in itself.

There is a summary of the types of things done elsewhere in (Document A10, Appendix 6) ^s together with the policing implications. Specialist equipment is required, which the protesters know. In the event of a surprise road-block at Huntingdon Road, the Police response time would be up to 20-minutes and then removing protesters without injuring them could take up to 2-hours from the time when specialist equipment arrived. The implications are threefold. First, the queue of traffic would build up for 7-minutes before it stretches to a point beyond the dip of low visibility. This would coincide with the period when the Police are unlikely to be present, due to the 20-minute response time. Secondly, after the 7-minutes, but within the 20-minutes response time, the queue would build up further and extend across to the other side of the bridge. This would very likely lead to dangerous late changes of route for drivers on the A14 slip road. Lastly, up to 2-hours delay would be significant on this main route into Cambridge and impinge extensively on traffic using the M1, A14, A428 and A1307 intersection.

8.36 This kind of action outside 307, combined with the particular features of the highway in the area, would lead to obvious dangers, as well as severe disruption. In the event of road blockage/closure, diversions would have to be put in place. This requires specialist contractors and takes some time to effect. There are only two feasible routes. The 'blue route' has limited capacity and the 'red route' involves parts of the A14, where accidents have already occurred due to stationary vehicles in congested conditions.

(iii) Willingness or otherwise of Protesters to comply with Police Requests/Orders

8.37 In practical terms, the effective use of Police public order powers depends upon whether protesters are amenable to measures designed to secure their own safety and the safety and convenience of other road users. It is not enough, as CU do, simply to list the Police powers and assume that everything will be all right. The University's witness has not seen a protest outside 307. Even when the Police are at the scene, there is a range of difficult snap decisions and judgements to be made. Of course, this is true of any situation, but the implications are particularly germane to 307 Huntingdon Road.

8.38 So far as the University observed, the protests at the site have been largely law abiding, though the Council doubts the reasonableness of planning on the assumption that this will continue to be the case. At a recent demonstration a small number of protesters deliberately walked into the path of traffic, ignoring the Officers. One refused to move despite repeated requests and had to be removed by two Officers. This incident illustrates the ability of even a small group to disrupt and cause danger.

8.39 In this respect, the location of the appeal site right on the A1307 and the limitations of the gateway as a holding area are compounding features. The suggestion by CU of using the field to the west of the site does not overcome the problem of access onto the A1307. In any event, the Police have real reservations about the use of this field, because of its potential as a "*stage*" and its proximity to the M11 slip road, already in itself a concern. The fields, as noted previously, wrap around the side and rear of the

appeal site itself, so there is the potential for it to be surrounded on three sides.

(iv) **Speed of Traffic on Roads**

8.40 The existing situation has been explained previously. Financial provision is made in the original s.106 Agreement for the introduction of new speed limits within a period of 5 years, if the Highway Authority thinks it appropriate. No Grampian condition is suggested and, indeed, it would be questionable if it were. There can be no certainty that the necessary Traffic Regulation Order could be made. Even if the Order were made, there could be no certainty about its enforcement. Associated gateway measures tend to "wear off" and the disparity between the 70mph inter-urban road speed and the desired 40mph is considerable. Similarly, with regard to the suggestion of emergency, flashing, warning lights on the western side of the bridge over the A14/A428, the reaction of the Highways Agency, who are the relevant authority, is negative (Document SCDC1s) Permanent signs would not deal with the surprise factor.

Materiality of Protests and Their

Implications Caselaw

8.41 "*Material*" means "*relevant*". Materiality of a consideration is a question of law, while the weight to be accorded to a material consideration is entirely for the decision maker (Tesco Stores Plc v SoSE[1995] 1 WLR 759. The test of what is a "*material*" consideration in development control is whether it serves a planning purpose. This is, one which relates to the character of the use of land: Great Portland Estates Plc v Westminster City Council [1985] AC 661.

8.42 In Stringer v MHLG [1971] 1 AER 65, Cooke J said "*it may be conceded at once that the material considerations to which the Minister is entitled and bound to have regard in deciding the appeal must be considerations of a planning nature. I find it impossible, however, to accept the view that such considerations are limited to matters relating to amenity. So far as I am aware, there is no authority for such a proposition, and it seems to me to be wrong in principle. In principle it seems to me that any consideration, which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling with that broad class is material in any given case will depend on the circumstances. However, it seems to me that in considering an appeal the Minister is entitled to ask himself whether the proposed development is compatible with the proper and desirable use of other land in the area.*"

8.43 The issue of public concerns about safety has been considered in a number of cases. These are well summarised in the Planning Encyclopaedia (Document SCDC22) Certain of the principles to be drawn from these cases are helpful, but, insofar as they consider fears on the part of members of the public and relate to fears which are not objectively justified, they are distinguishable from this case. In this case, we are concerned not simply with fears of members of the public about demonstrations, but with a proposal which, even in its planning stages, has occasioned protests with attendant consequences for highway use and safety. Moreover, it has elicited

threats/statements of intention by identified third parties to carry out and organise protests at the site. Finally, on the basis of their experience the Police has advised SCDC and, through the Inspector, the SoS, that these threats should be regarded as real. Unlike some of the "*public perception*" cases, therefore, expert opinion is to the effect that the concern is justified (see Newport CBC v SoSW and Browning Ferris Environmental Services Ltd [1998] JPL 377 and R v Tandridge DC ex parte Mohammed Al Fayed [2000] JPL 604.

8.44 In West Midlands Probation Committee v SoSE [1998] JPL 388, the proposal was an extension to an existing bail hostel. One particularly relevant aspect of the case is the approach taken to unlawful, off site activity. The use had already given rise to noise and disturbance in the form of police cars with sirens and lights arriving in response to incidents and in the form of bailees fighting in the street, moaning and mutilating themselves, or smashing crockery in private driveways and milk bottles in the road. These were referred to by the Inspector as "*disturbing incidents*". Robberies, car thefts and "*drunken intimidating or loutish behaviour*" had also occurred. Such "*occurrences*", the Inspector had found, gave reasonable grounds for residents to feel apprehensive and, taken cumulatively, a "*genuine fear of crime*". Counsel for the Probation Committee submitted, amongst other things, that anti-social and criminal behaviour of some of the hostel residents on or near the land was not a material planning consideration and that the application should be considered on the basis that the use of land would be lawful and activities on it would not involve breaches of the law. Pill LJ, giving the judgement of the Court of Appeal, said: "*In considering the evidence in this case I do not consider that the "disturbing incidents" and "occurrences" found by the Inspector to have occurred can be divorced or treated as a separate consideration from the concerns and fears of residents which he also found to be present. The fears arise from the disturbances and the Inspector was entitled to link them in the way he did in his conclusions. It is the impact of the occurrences upon the use of neighbouring land which is said to be relevant*".

8.45 It is clear, therefore, that Pill LJ did not disregard the "*disturbing incidents*" and "*occurrences*" just because some or all of them also constituted criminal offences. Nor were they discounted because they occurred off site. They, and the fears they engendered of an increase of such incidents if the hostel were extended, were treated as material.

8.46 Another interesting aspect of the West Midlands case was the approach of the Court to the Home Office's identification of need. The Inspector, having analysed need had stated that "*even if there is a need for more hostel spaces in the West Midlands, I consider that there is little justification for providing more of it at Stonnall Road*". Pill LJ, after some consideration of the approach taken at the inquiry to national policy said: "*The Inspector directed his attention to development of the particular site and, ... he stated his conclusion in terms that, even if the need existed, there was "little justification for providing more of it at Stonnall Road". He added, in relation to meeting the need, that "a location like this one, on the very edge of a small town and in the sort of quiet suburb where the impact of the hostel must be particularly apparent, would be incongruous". That was a proper approach for the Planning Inspector to take. I could not envisage a Home Office policy statement which in effect directed the Secretary of State for the Environment to provide for the need at a*

particular location as distinct from identifying the need ... His finding was based upon the application of planning criteria to a particular site

8.47 SCDC's approach in this case is entirely consistent with that of the Inspector, upheld by the Court of Appeal, in the West Midlands case. It invites the SoS to find, not that Government policy on the necessity for proper scientific research and of ensuring that such research is not frustrated by the unlawful activities of protesters is unwarranted, but that 307 Huntingdon Road is not the right place for this work to take place. The letters from the Office of Science and Technology the Department of Trade and Industry and the Prime Minister in this case are consistent with this principle, since they do not presume to comment on precise locational issues.

8.48 SCDC's reasons for making this submission are rooted in the particular characteristics of the appeal site and its environs. In the words of Cooke J in Stringer, the proposed development is not compatible with the proper and desirable use of other land in the area, namely the public highway. There is no warrant in caselaw for excluding consideration of the pattern of conduct in relation to other vivisection operations and in relation even to the prospect of the use of the appeal site, just because some of that conduct has been illegal. The practical approach of the Inspector and the Court of Appeal in West Midlands should be followed.

8.49 The evidence from 307 thus far, from other sites and the statements of intention made in relation to the University's proposal, together with the particular physical, highway circumstances of the site, should be assessed on a straightforward foreseeability basis. One's eye should not be shut to certain activities, because they are unlawful. ' The proposal must be considered on the basis of the particular research. It is plainly not just any B1 building, as is clear from the justification put forward in terms of Green Belt policy and the design of the building, its boundary features and its landscaping. The fact that the highway authorities have not objected to this proposal does not make these matters immaterial. They have simply not considered the evidence that has been given to this inquiry.

8.50 In terms of proposition (d) in the Encyclopaedia note (Document scncz2t, the fear of protest activity is a material consideration in this case for three reasons. First, its implications for highway safety and use relate to a matter, which is itself a material planning consideration. Secondly, it is objectively justified. It has already started, and building and operating the facility would cause it to increase. Thirdly, the fears of such activity are not baseless and are themselves likely to have land use planning implications in terms of means of transport to the site by staff and visitors and the desired modal split not being achieved.

8.51 The fact that protests would be the result of third party activity does not make them immaterial. While not "*invited*" to the site in the sense of being desired by the University, the presence of protesters there would be attributable to its use. In this respect, they are no different from welcome visitors who are conventionally taken into account in planning/TIA assessments. Another analogy is the issue of bird-strike, which is a recognised consideration in applications for airports or for uses such as landfill near airports. The principle is exactly the same. Unpredictable "*third parties*" - birds - will be drawn to the site because of its use (landfill), with adverse

consequences for other air users - aeroplanes.

8.52 Finally, regard must be had to s.17 Crime and Disorder Act 1988. It provides, so far as relevant:

"(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority ... to exercise its various functions with due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent, crime and disorder in its area."

"Authority" is defined to include a local authority (s. 17(2)).

8.53 The *"functions"* of SCDC as local planning authority (lpa) included determining the application, now the subject of this appeal. The duty imposed by s. 17 (Crime and Disorder Act 1988) is a material consideration under s.70 of the Act. By s.79(4) of the Act, the provisions of s.70 are applied to the SoS determining an appeal under s.78, as they apply in relation to an application for planning permission falling to be determined by a lpa.

8.54 S.17 (Crime and Disorder Act 1988) is expressed to apply without prejudice to any other obligations and, therefore, it cannot enlarge the scope of material considerations under s.70. However, since protests and their implications are material considerations, for the reasons set out above, their effects for crime and disorder and their prevention must be considered. Hence, the particular opportunities for crime and disorder presented by the location and surroundings of 307 Huntingdon Road must be taken into account. It is relevant, also, to consider alternative sites in connection with the duty to do all that can reasonably be done to prevent crime and disorder in the area.

Alternative Locations for the Use

8.55 In Trusthouse Forte Hotels Ltd v SoSE [1986] 53 P&CR 293, Simon Brown LJ set out seven propositions and these are addressed, so far as relevant, in the light of the evidence as it emerged.

"In a case where planning obligations are sought to be overcome by reference to need, the greater those objections, the more material will be the possibility of meeting that need elsewhere".

8.56 Need for the facility is accepted by SCDC, in the sense that it accepts that it is in the national interest for it to be developed. The Council's objections, however, are significant and particularly so because they are rooted in the locational characteristics of the site. The possibility of meeting the need elsewhere is, therefore, highly material, although it is not something that has been afforded a high priority by the University. The appeal site had been identified before any planning or highways advice was taken. Professor Peters had *"driven round and looked at"* the sites mentioned in the Council's evidence, but *"had not been able to find a better site"* from his point of view. This, of course, is not the right test. Professor Peters, the Head of Faculty, had not been made aware of SCDC's offer to work jointly to find another site until 3 or 4 weeks before giving evidence. The actual site selection process in 1998 was very greatly influenced by CU's Estates Plan and its assessment that the proposal would be a bad neighbour.

"Although generally speaking it is desirable and preferable that a planning authority

(including, of course, the Secretary of State on appeal) should identify and consider that possibility by reference to specifically identifiable alternative sites, it will not always be essential or indeed necessarily appropriate to do so".

8.57 The Council has pointed to the land in the University's ownership at North Madingley. Some, though not all of the land is let, but it would be a straightforward commercial exercise to buy out tenants. Aspirations to use Catch Hall Farm for relocation of the University Farm could be met elsewhere. The main points raised against these locations are policy constraints, lack of sustainable transport and personal security issues. The latter two points are linked.

8.58 For the reasons set out above, SCDC submits that walking/cycling/bus are unlikely to prove as viable at 307 as the Green Travel Plan suggests. The University dismisses, out of hand, shuttle buses at Madingley, though apparently they are considered in the Green Travel Plan for 307, and sympathetic timetabling for teaching staff, but no assessment has been made. In fact, the sites are not badly located in relation to the Madingley Park and Ride and the secure arrangements there and at the West Cambridge site. The Cycle Route Map (**Document A61**) shows linkages from Madingley Road to the City Centre.

8.59 Car linkages to Addenbrooke's along the M 11 are straightforward and the University accepts that some such trips, carrying valuable equipment, would have to be made by car in any event. The University already uses a site in the area for research without problems. The West Cambridge site, which houses disciplines where cross fertilisation of ideas could be useful is not far away. With regard to policy constraints, SCDC has shown its willingness to accord considerable weight to the national interest point in the context of the current appeal application on Green Belt land.

8.60 In addition, the Council has suggested using its approach to site selection, which has worked in the past. From a planning point of view, land ownership is not material, but the University have not considered other land, apart from business parks in 1999. Their site search criteria, especially distance, have never been revealed, but locations such as Fulbourn, Babraham, Granta Park and the Vision Park at Histon might have possibilities. SCDC has suggested search criteria in its evidence.

"The clearer it is that the planning objections relate essentially to the development of the application site itself rather than to some intrinsically offensive aspect of the proposed development wherever it might be sited, the less likely it is to be essential to identify specific alternative sites".

8.61 This is the basis of SCDC's case. The Police prefer the North Madingley sites and, indeed locations generally away from trunk roads/motorways/Cambridge radials and served off a minor road.

"Equally, the less specific and exacting are the requirements to be satisfied in order to

meet the accepted need, the more likely it is that a Planning Authority could reasonably conclude that such need can be met elsewhere without reference to some identifiable preferable alternative site. "

8.62 The requirements are not unduly onerous, especially given the Council's flexibility on policy. Moreover, it should be remembered that under the emerging SP Review for Cambridgeshire significant tracks of lands could come out of the present Green Belt.

"Clearly, it is more difficult to make a sensible comparison in the absence of an identified alternative site and it is likely that a Planning Authority would be more hesitant in concluding that an accepted need could be met elsewhere if no specific alternative sites have been identified, a fortiori if they have been carefully searched for, identified and rejected. "

8.63 SCDC has suggested sites, which have not been properly considered by the University. Similarly the joint exercise offered by the Council has not been done. The maps requested by the Inspector (**Document A81**) to show possible site locations have been produced at the eleventh hour. Both maps are a poor and inadequate attempt, but even so identify other fruitful areas for consideration.

"The extent to which it will be for the developer to establish the need for this proposed development on the application or appeal site rather than for an objector to establish that such a need can and should be met elsewhere will vary. However, in cases such as this, where the Green Belt planning policy especially provides that "a need for a motel on the site proposed, not merely in the area generally, has to be established in each case". The burden lies squarely upon the developer. Thus, in this type of case it will be the more likely that the Planning Authority could reasonably conclude that the need can be met elsewhere without reference to some identified more appropriate alternative site. "

8.64 This is a Green Belt case and one where the Council has raised a serious development control issue. The onus is on the University by virtue of these factors and, also, because it owns some promising sites.

"As a matter of law it is accordingly open to a Planning Authority to conclude on the facts that an accepted need can and should be met elsewhere than upon the application site or appeal site without reference to any specific alternative site or sites. "

8.65 The same applies to the SoS. As a matter of fact, it is submitted that this should be the conclusion because of the sites specific problems at the appeal site and the partly unresearched other options, coupled with the identification of one area to which no serious objection has been raised.

Conclusions

8.66 *To allow this appeal would be to approve a poor choice of location, prompted, not by planning considerations, nor taken upon the basis of any planning or highways advice, but by convenience/investment protection for CU and their Estate's Plan. It would permit the University to locate this use, which it does not want as a neighbour for any of its other departments or projects, right alongside*

one of the main roads into Cambridge, next to a "substandard bridge" and close to part of the motorway/ national trunk road network. To do so would be poor planning, in itself and would also contribute to a wasted opportunity for the University and Council to work on a consensual basis to find a better site for this important project - one where the task of the Police to protect and facilitate law for research, while recognising the right in our democracy to protest would be more straight forward; one where the risks of destruction and danger to members of the public using the highways will be reduced. These matters are not only material planning considerations in the legal sense, but ones that the evidence at this inquiry has demonstrated to be weighty. For these reasons, the Council submits that the appeal should be dismissed.

9. THE CASE FOR THE "COALITION" (ANIMAL AID, NAVS, NATURE WATCH, PeTA, UNCAGED AND X-CAPE).

The main points are

Introduction

9.1 This inquiry arises out of the refusal by South Cambridge district Council (SCDC) to grant planning permission to Cambridge University (CU) for "*a huge new facility*" for neurology research on primates. Crucially, the proposed development is sited within the Green Belt. As a result of this siting, it falls to CU, quite apart from overcoming SCDC's concerns about public disorder, which the Coalition adopts and supports, to complete two essential tasks if the appeal is to be allowed.

9.2 First, it must demonstrate very special circumstances such as to outweigh the assumed harm that this development causes to Cambridge's Green Belt. Secondly, it must show that the selection of this Green Belt site came only after a genuine and thorough attempt to find an alternative, preferably non-Green Belt, site for the development. Both of these issues are included in the list of material consideration set out by the Inspector at the PreInquiry Meeting (PIM).

Cambridge University as a Party to these Proceedings

9.3 The importance of the University in the local area is undisputed. Much of the City is in the University's ownership and the histories of the local area, the City and the University are closely intertwined. However, once planning permission is refused and a public inquiry is called, CU, by virtue of the Act and the Inquiry Procedure Rules, adopts the position and role of any other party to such proceedings. This means that it is not enough for CU to rely on University - or Government endorsed assertions. They must demonstrate their case, be it in relation to national importance and, therefore, the scientific worth of what is proposed, or to the selection of the site for the non-human primate centre.

9.4 Despite two weeks of inquiry, both these demonstrations remain incomplete. In matters scientific, CU have maintained throughout that they are not required to demonstrate, through evidence which can be tested, that the proposal is indeed of national

importance. In relation to planning, the correspondence between CU and SCDC as well as the evidence heard orally at the inquiry, confirms that CU have failed to consider non University owned sites and, bizarrely, awaited suggested alternatives from SCDC, rather than finding them themselves. One is forced to conclude, as did Professor Greenwood who gave evidence to the inquiry, that when it came to site selection "*CU has ruled out other sites on the basis of their own priorities*".

9.5 The burden of proof on these issues, science and planning, falls squarely on CU. The standard of proof, given the controversial nature of the research proposed and the Green Belt siting is high. It is submitted that CU's documentary and oral evidence fail to discharge the burden of proof in relation to both of these matters, and certainly not to the standard required. In these circumstances, the appeal should be dismissed.

Very Special Circumstances

9.6 CU asserts that the proposed development is of such a national importance as to constitute very special circumstances so as to rebut the presumption against development in the Green Belt and justify the proposal. To support this assertion CU places very considerable emphasis on various pronouncements of support for the proposed centre and in particular letters from Lord Sainsbury, Under Secretary of State for Science and Innovation. (ocunints 7 and CD4) While it is accepted that such pronouncements are capable of being material considerations for the First SoS through his Inspector, they are no more than that and cannot be considered to be Government policy, such as removing all need to demonstrate national importance.

9.7 Neither Lord Sainsbury's letters nor other expressions of support, have been the subject of any statutory consultation process, perhaps in the way of a PPG. None has been made available for comment by Coalition members or any other interested party. In the case of Lord Sainsbury or the Prime Minister, the expressions of support come from non scientists, who have not and do not claim to have examined the relevant issues in full, and no such expression purports to remove the need for the University to make its case.

9.8 Reliance also seems to be placed by CU upon the case of Bushell v Environment Secretary [1981] AC 75. This House of Lords case held that "*what was fair, including whether cross-examination of a witness should be allowed, would depend on the subject matter of the particular inquiry and was to be judged in the light of the practical realities as to the way in which administrative decisions involving judgements based on technical considerations were reached.*" And further "*that the assessment of need by a particular method of a particular stretch of the national motorway network was a matter of Government policy in the sense that it was a topic unsuitable for investigation by individual inspectors at individual local inquiries*".

9.9 The circumstances of this inquiry, and in particular the requirement to demonstrate national need as identified by the Inspector at the PIM, is wholly different from those of Bushell. The national need in Bushell is not need related to a particular stretch of motorway. Therefore, the precedent of Bushell could not apply in this case.

National Importance - What would need to be demonstrated?

9.10 In the normal course of events a developer seeking to rely upon national importance as the necessary very special circumstance to outweigh harm to the Green Belt would demonstrate through evidence that the proposal was, firstly, important to all and then it was important in the interests of the United Kingdom. Cambridge University has done neither.

Science

Cambridge Universities "Scientific" Evidence

9.11 While no one would doubt the eminence of the academic witness produced by the University, Sir Keith Peters is not a neurologist, has almost no experience of animal experimentation, and was unable to answer specific questions put to him, which go to the heart of the scientific matters determining whether the proposed research is of importance at all.

9.12 Sir Keith Peters insisted that he spoke on behalf of his colleagues and of the scientific community, that the work proposed had been peer reviewed, and that CU is a centre of acknowledged scientific excellence. None of this is disputed. However, in order to demonstrate importance the University, through a relevant expert, needs to go beyond its own conviction of the centre's importance and show that this sort of work has yielded concrete and specific advances in the past and is likely to do so in the future. This was one of the questions posed to Sir Keith Peters and Sir Alec Broers, when they addressed the House of Commons Select Committee on Science and Technology (1st February, 1999).

9.13 One of Sir Keith's frequent responses to such questions is that the proposed research had been peer reviewed. Peer review, albeit a method of evaluating proposed research, is not the only method and risks a lack of objectivity, since it involves the evaluation of proposals by like-minded scientific colleagues, likely to have a stake in the perpetuation of the types of research they evaluate. (Document C07, Appendix 8). Peer review should not be ignored if applied scientifically, but it must be on a much firmer basis than that currently practised. As such, the documentary and oral evidence provided by the University does not show great strides in research into neurological complaints.

9.14 When concrete examples of advances in primate brain research were sought from Sir Keith, he referred the question to others within the 'academic team', who supplied written answers, but were never actually seen or named. Dr Greek's oral evidence shows clearly that these answers do not support the case that primate brain research has been essential in the past. On the contrary, most examples cited originated in non primate work. Certainly, the inquiry has been offered no examples of medical advances that could have only have been made through primate work, which must be the test in work as such controversial nature as that proposed. For example why is it necessary to use old world macaques instead of new world marmoset monkeys (Document C08, Tab 9)

9.15 Sir Keith accepted that the highly controversial nature of the proposed research means that if it is to go ahead it should be justified in the clearest terms. However, the Coalition, the public and the Inspector have been left guessing as to the true authors of scientific evidence submitted by the University. The justifications offered in securing

Government grants for the proposal and the issues considered in the course of peer-review. Despite numerous requests, none of this material has been made available to the inquiry. The sole explanation for this refusal came towards the end of the inquiry, in response to numerous questions put to the University about the scientific validity of the proposed research and in relation to the details of the proposed centre. The University finally submitted a brief document to explain this refusal (Document A82, Tab 18). This document states that *"the decision by the University not to call a neuro-scientist directly involved in research with animals was in the first place because they did not consider justifiable or necessary to expose such person to the risk of identification and possible intimidation...."*

9.16 Apart from the fact that this security concerns flies in the face of the University's evidence on the likelihood of this type of research attracting militant animal rights activists, it fails to explain why neuro-scientists without animal experimentation licenses were not produced to deal with the essential questions of the validity of the proposed research. Someone, say, who might have been able to declare that *"I do not experiment on animals, but the neuro-science work I do would not have been possible had it not been for such and such primate experimentation research carried out in the 60's"*. Instead, silence.

9.17 Linked to this refusal to supply relevant experts to the inquiry is the extraordinary approach to the issue of authorship adopted by CU. Great play was made by the University of Dr Greek's standing. No matter which view is taken of this, and the Coalition submit that Dr Greek possesses all the scientific standing as well as practical experience to speak intelligently to the issues and more, it cannot be disputed that the evidence he supplied both oral and written was his own. This cannot be said of the material produced by Sir Keith. This comprises an 11-page proof of which he is the author, a speech by Lord Hunt, which he adopts, an article entitled "Rationale for Nonhuman Primate Research in Neuroscience", which appeared in the October 2002 addition of the RIDS newsletter under Dr Matfield's name (Document A82, Tab 20), albeit that it was (curiously) not in fact written by Dr Matfield, a letter from Lord Sainsbury who is not a scientist and another from Professor King who is, albeit not a medical one.

9.18 Specific questions put to Sir Keith on the utility of the proposed research were generally referred to *'the academic team'*. Dr Matfield, whose evidence was supposed to be limited to public order issues, was nonetheless reinvented as a scientific witness, notwithstanding that he is a biochemist who has not done bench research since 1985. This was late in the day and he declined to speak to any of the scientific assertions contained within the article bearing his name. The effect of this merry-go-round of pen names and false authorship of evidence was that there was no one at all from CU available to be cross-examined on the central scientific issues for the inquiry.

9.19 However, authors of academic publications, which CU suggest would flow from the proposed centre, would, if published, inevitably have their names in the public domain. In many cases they are already, together with the fact that neurologists with no involvement with animal experimentation could have appeared to give evidence without fear of harassment. Consequently, one is left with the impression that CU's

refusal to make its scientific case derives not from security concerns, but rather from a reluctance to engage in the debate that this inquiry through early acceptance of the scientific issue as material, demanded.

9.20 As to this debate, Dr Matfield denies that any such exists within the scientific community. This statement is extraordinary, when one considers the very many representations on scientific matters, including those by respected scientists as well as various medical organisations such as PCRM, which made representations to this inquiry. This is more so, when one considers the plethora of articles in newspapers and other scientific publications such as *Science* and the *New Scientist* penned about this inquiry. By contrast with the approach adopted by CU to the scientific issues that this inquiry, the Coalition, through the evidence Dr Greek presented, there is a clear case that animal experimentation in general and the primate brain research proposal in particular, would not reap the benefits so confidently promised by the University.

Dr Greek's Evidence

9.21 While the burden of proof in this case falls to the CU to prove the importance of the proposed work, and not for the Coalition to disprove it, Dr Greek nonetheless went through this exercise. His evidence, both written and oral, can be summarised as follows.

9.22 First, findings in primates are not predictive for humans, in terms of responses to drugs or diseases. There is considerable and empirical evidence in support of this statement such as the list of drugs that have killed or maimed thousands of people after being tested for safety in monkeys. Conversely, other drugs cause birth defects or other adverse effects in primates, but not humans - e.g. aspirin, which may not have been released had it first been tested on monkeys (or cats or dogs). Most recently, hormone replacement therapy's long-touted benefits for women, based entirely on monkey data, have been shown to be flawed. Even worse - HRT actually appears to do more harm than good. With respect to predicting our response to disease, chimpanzees, our closest primate relative, would predict that both hepatitis B and HIV infection should be benign, whereas in reality both diseases are very serious for humans.

9.23 In a nutshell, the reason for this is that monkeys and humans are both examples of complex living systems and, as evolutionary theory explains, are related to each other in a non-linear manner. It may be tempting to assume that close genetic similarity means one primate series will react much like another, but this assumption misunderstands the way genes operate. Small differences between our genes can lead to very large differences between species. For example, setting aside those tests that fail when given/ applied to animals, of all the medicines tested successfully on animals, less than 20% prove successful in clinical trials on humans. This is because the way genes are regulated, turned on or off, is what separates us from each other. So, even when we share the same genes, they interact with each other in a very different and complex way - thus, frustrating extrapolation from one species to another. This is borne out constantly by experience, with numerous examples of unexpected and contradictory findings between different species. Even extrapolation within species is problematical. Of ten drugs recently withdrawn from the market, eight of them had severe side effects in woman, which were not predicted by the

clinical trials in men. Clearly, if men cannot be relied upon to predict with accuracy for women, relying on monkeys to predict human response is hazardous.

9.24 Next, primates do not make good models of human neurological disorders. Alzheimer's disease, for example, is characterised by declining clarity of thought and language. How can such abilities be measured in monkeys? Symptoms of Parkinson's disease are induced in monkeys by killing brain cells, but the cause of cell death is the root of the problem. Such experiments are irrelevant, therefore, to discovering why the cells die. Many decades of primate research have an abysmal record in predicting useful treatment for stroke patients, contributing to clinical advantages. CU cited nimodipine as a useful treatment for stroke patients, seemingly unaware that a recent systematic review of 22 clinical trials of nimodipine showed it actually has no beneficial effect (Document C08, Tab18).

9.25 Future advantages in our understanding and treatment of neuro-degenerative diseases will come from where they always have, human based observation and ethical clinical research. Dr Greek's evidence documents, with many examples, how progress has been made by careful clinical studies of patients, their tissues and their families. Constant technological improvements in brain scanners, brain tissue culture techniques and knowledge of the human genome are enabling this progress. World-class facilities such as the Wolfson Brain Imaging Centre (WBIC) have made an important contribution to progress. The Director of the WBIC says (BBC Radio Cambridge) (Document A82, Tab 10) that:

"Alzheimer's, Parkinson's and other neurodegenerative diseases occur in humans and it is in human tissue that we shall find the answers to these diseases ". It is surprising that CU should contradict him in writing in their answers to questions from members of the public, particularly as the WBIC is cited by the University as an important collaborator with the proposed new centre.

9.26 Basic science from 'blue-skies' research, may, possibly, be gained by studying the brains of monkeys. But knowledge for knowledge's sake is not the same as knowledge to cure human disease. CU admit that *"it should be recognised that much of the research is more basic "*. Yet the basis of CU's planning application rests on the 'national importance' they claim for their research, which they simultaneously claim is patient orientated and far from basic. Basic research demands a higher level of justification for the resources it will consume. Resources, which could otherwise be spent on research of proven relevance for patients such as epidemiology, clinical research, post marketing drug surveillance, autopsies, human tissue research, genetic research, artificial neural networks, computer modelling, high tech brain imaging scanners and so on. Basic research involving non-human primates clearly demands the highest level of justification possible, if indeed it can be justified at all. Certainly, at this public inquiry CU have not made a convincing case that it can.

9.27 CU did not produce sufficient peer reviewed evidence to satisfy any objective criteria for granting planning permission for their research proposals. Bodies seeking public funding should be accountable to the public, particularly when the proposal is so controversial. The University declined to produce their joint infrastructure funding

(JIF) application and relied on unsubstantiated assertions as to the merits of primate research, without proving their case. In contrast, the Coalition has provided ample scientific data to support its case, as well as offering a sound theoretical basis for its position, which is predicted by evolutionary theory and confirmed by molecular biology as well as overwhelming empirical evidence. It is acknowledged that animal experimentation is the accepted norm, largely due to "*technology lock-in*", a term used by Professor Bateson in his address to the House of Lords Select Committee and that change will inevitably be resisted. CU, however, were challenged to defend primate experimentation scientifically and they have not done so.

9.28 CU's principle justification for the value of primate research is an uncritical reliance on the peer review process. As said, it is acknowledged that peer review is an important method of assessment, but that its practice is often deeply flawed and the process must be rigorously scrutinised to maintain credibility. For an example of bias in the system, there has been a recent review of the reliability and independence of the institutional of animal care and use committees in the US (Document C07, Tab8) This shows that reviewers approved studies at their own institution that they would reject at any other.

9.29 The letters in support of the proposed centre were solicited by CU and comprised little more than a reiteration of the standard letter declaring primate research in general to be a 'good thing', without any detailed scrutiny of specific proposals. Interestingly, none came from the UK, which one would expect not to be the case if the proposal was truly of national importance. One of the supporters, Dr Thomas Insel (Document C08, Tab11) fervently supported AIDS research in primates, when he was director of the Yerkes Regional Primate Centre. He now admits that 15-years of AIDS research in chimpanzees has produced little data relevant to humans.

9.30 The examples brought up by CU in cross-examination of Dr Greek overwhelmingly illustrate the point that published animal studies and particularly primate studies are merely confirmatory to earlier human studies. The University lists a catalogue of assertions, which turn out, upon closer examination, to be incorrect. For example, the claimed clomethiazole's benefits for stroke patients resulted from studies of the drug in marmosets. However, Dr Greek produced a paper showing that the clinical trials predated the monkey experiments (Document C011) Yet another case of 'confirming' in animals what was already known for humans. Clearly, animal experiments are of no value if they are not predictive for humans. Such an 'confirmation' is not only irrelevant, it is a waste of resources (Document C08, Tab32).

9.31 A new primate laboratory would be a retrograde step in many ways. Medicine is advancing in the direction of personalised treatments based on individual genetic profiles, not on approximations based on entirely different species.

9.32 It is hoped that the above constitutes a useful summary of some of the salient points of the oral and written scientific evidence adduced on the part of the Coalition. It is hoped that the argument is clear and accessible. It is certainly not accepted that "*science is not for Barristers and not for the Inspector*". On the contrary, an explanation of the scientific basis is central, to the democratic rationale of the inquiry

process. And Inspectors and Barristers, are, or should be, no strangers to explaining and understanding science. Indeed, it is their job. Consider for example, complex medical causation evidence in personal injury law or the scientific evidence that was debated at e.g. Sizewell, T5 or almost any small inquiry in which noise is an issue. A view will have to be formed of the scientific arguments based on the facts put before the inquiry. The lack of factual detail and the relevant expert make this exercise impossible to perform in relation to CU's scientific argument.

National Importance

9.33 In addition to CU's requirement to demonstrate the importance of the proposed work, it must, if it is to win this appeal show that it is of national importance or that it is of particular value to the United Kingdom. One of the ways of considering this question is to consider the likely effect on the UK of the development not going ahead. In relation to this, there is once again a dearth of evidence from CU. CU's acknowledged excellence in science has, in the past, been achieved without such a centre. In addition, it is accepted that the research is high cost. It necessarily follows that funding to this sort of medical research will mean less availability of funds to other forms of medical research, such as clinical research, which has formed the focus of much of Sir Keith's own work.

9.34 The reality is that UK funding is better allocated to more tried and tested areas of research, rather than the highly speculative blue skies research proposed here. Sir Keith's endorsement of Lord Hunt's sweeping statement that research using animals contributes to almost every single one of the medical advances in the past century is simply untenable. One only has to look at the breakthroughs boasted by the MRC in their letter of support for the proposal (D^oC^ome^ott 7), to see that in fact, very few, if any, are.

9.35 Even if it is accepted that the work to be undertaken is of importance, it cannot be assumed that it is of national importance. Again, evidence of such must be put forward by CU so that the national importance is demonstrated. Again, this has not been done.

9.36 In summary, there is insufficient evidence before this inquiry to demonstrate the importance, let alone the national importance, of the proposal.

Planning

Alternative Sites

9.37 Whatever reliance CU place on Government support for the proposal, any such support does not extend to the siting of the research centre. This is acknowledged in the Lord Sainsbury's letter. Again, CU are to be treated as any other developer, which seeks to develop in the Green Belt. This means thoroughly searching for non-Green Belt alternatives first, and not restricting such a search to CU owned sites as a matter of convenience. In fact, the evidence points to a lack of such efforts. CU came to *a fait accompli* and slavishly followed the Estate's Plan, which is a creature of the University and could be changed.

9.38 For a University that once counted Sir Isaac Newton amongst its members, it has shown remarkably little scientific method in its approach to alternative sites. A particularly rigorous approach is required when development is in the Green Belt, to the effect that a sequential test is called for, starting with non-Green Belt alternatives and exhausting all other practical options for alternatives, whether CU owned or not, before resorting to a Green Belt site.

9.39 Instead, the evidence shows there was no assessment of non-CU owned sites before 307 were selected. CU's contention that non-University owners were unwilling to sell for the proposed use, like the national importance, must be demonstrated, rather than merely asserted. One would expect to find letters to owners and some attempt to persuade owners, as CU has sought to persuade this Inquiry, that their security concerns are exaggerated or unfounded. One would expect to see attempts by CU to purchase the freehold of more suitable land, but there is no evidence of this either. Professor Greenwood is right to be surprised that CU have made no attempt to contact the Police, with a view to establishing which other sites would generate fewer public disorder issues than the appeal site.

9.40 The University's planning witness's involvement with this appeal came fairly late on and he found himself in the position of justifying what had already been decided. As with national importance, a scientific approach is called for. CU need to demonstrate that they have gone to the trouble of exploring alternatives not within their ownership and performed more than a hypothetical exercise in relation to the others. The University's planning witness stated *"I have also considered and discussed with colleagues whether there might be a possible site on a business or industrial park in or around Cambridge. I and colleagues concluded that it was extremely unlikely"*.

9.41 The correspondence between the University and SCDC discloses a bizarre expectation on the part of CU that SCDC would do the job of supplying alternatives. This is not the practice of a normal party to such proceedings. As highlighted by the Inspector, the 6month delay in arranging a meeting between SCDC and appropriate representatives of the University is hardly reflective as something in the national interest. The further information on possible availability of alternative sites requested for by the Inspector has only been carried out by the University in the most superficial manner.

Is there Harm to the Openness of the Green Belt?

9.42 Development in the Green Belt is necessarily harmful. This is an assumption made by planning law and accepted by the University. In the circumstances of this case the harm caused is real. The Statement of Common Ground (3.5) (**Document CD4**) states that *"the proposal will not harm the openness of the Green Belt."* However, the SCDC statement of case makes it clear that its position is that: *"the development of 8015sq m of new B1(b) floorspace in addition to the 1956sq m of floorspace which will be retained will be in conflict with policies in the Development Plan, which aim to maintain the integrity and openness of the Cambridge Green Belt within which the site is located..."*

Prominence of the Site

9.43 Cambridge University say that the site is not prominent. The Coalition disagree and ultimately it is a matter of planning judgement for the Inspector/SoS. However, the site is on the side of a ridge sloping down to the south-west and the site is visible from the M11 and parts of the A 1307. Furthermore, the refusal of planning permission on the 7 September 2000 states "*the site is prominently sited within the Cambridge Green Belt*". The Coalition's evidence as to the prominence of the site was not challenged.

What would the Visual Impact Be?

9.44 Again, this is plainly a matter of planning judgement to be made following the evidence of viewing the site. The Coalition's evidence is that the visual impact would be very considerable, due to the greater bulk of the building, the chimneys, the loss of trees, the introduction of man made embankments and a substantial wall along the Huntingdon Road frontage. In addition to these intrusions into the Green Belt, there are likely to be future developments of the site, should the proposal go ahead, by way of security measures. A view of HLS and the additions there, detailed in a letter requested by the Inspector (**Document C02**), gives a hint of things to come. The comparisons made at this inquiry between the likely appearance of 307 Huntingdon Road and Colditz are likely to be not far out.

The West Cambridge Site

9.45 This site does not appear to have been seriously considered, despite SCDC having noted it as a possibility. It does meet, however, the site selection criteria set out by Cambridge University. There is space, it has outline planning permission for 30-times the required space, it is a self-contained site, near to Downing College and Addenbrookes as well as other related University departments within the site. Moreover, the University Master Plan could be altered to accommodate such a development and the unadopted road adjacent to the site could be adopted.

A Balancing Act

9.46 Even if national importance can be shown, the Inspector and through him the SoS must perform a balancing act, weighing any evidence of national importance against that of harm caused (PPG2 - 3.2). It will be for the SoS to consider all the harm likely to be caused to the Green Belt and then to see whether there are, as CU claim, issues of national importance sufficiently clearly demonstrated as to outweigh such harm.

9.47 Let us consider first the harm. There is automatic harm, since this development is in the Green Belt. There would be actual loss of openness of the site, significant encroachment into the countryside and clear conflict with various national and local policies.

9.48 The proposed development is in direct conflict with well-established and approved national and local Green Belt policies. In particular, Policy SP18/3 of the Cambridgeshire SP and Policies GB3/1 and GB3/2 of the Cambridge Green Belt LP. In addition, it would infringe Policies GB I and GB2 if the South Cambridgeshire LP

review and PPG2: Green Belts.

9.49 Structure Plan Policy GB' 18/6 and LP Review Policy EM 11, upon which the University rely, do not lend support to a major development in the Green Belt. These policies make it clear the development under them should only be permitted when no conflict arises with other DP policies. Significant conflicts do arise in the context of this appeal.

9.50 The University accepts that the proposal would constitute inappropriate development in the context of Green Belt policy. Such policy establishes the strongest of presumptions against development, regardless of the quality of design of the new building or its visual impact and rebuttable only by the demonstration, not mere assertion, of those special circumstances. Green Belt policy and the sequential test require that when a proposal is in the Green Belt, it must be demonstrated that non-Green Belt alternatives have been fully considered first. The University have failed to demonstrate that the development could not be located elsewhere and, in particular, on a non-Green Belt site.

9.51 In addition, if SCDC's evidence on public order is to be accepted, and the Coalition submits that it should, there would be road blockages and harm to public safety to demonstrations at the site. In addition, there would plainly be some, and the Coalition suggests substantial, impact on the visual amenity of the area.

9.52 To be balanced against these examples of harm, and they are not exhaustive, are any potential benefits which may come from the proposed research centre. Plainly this would be in the form of the national need if it could be demonstrated there is a likelihood the centre would improve human health and be beneficial overall to the UK. The Coalition's strong submission is that the University have failed to demonstrate this. In the event that the Inspectors/SoS are persuaded of the national importance of the proposed development, it is nonetheless submitted that its siting at 307 would result in an unjustifiable amount of harm to the Green Belt and to the local area. Accordingly, the appeal should fail in any event.

Summary and Conclusions

9.53 *Cambridge University have failed to demonstrate with clarity, or at all, a likelihood that the proposed research centre would yield benefits to human health and to the UK and is, therefore, in the national interest. In any event, the proposed centre should not be sited at 307 Huntingdon Road, within the Green Belt and adjacent to busy main road intersections. In addition, the University have failed to show that there would not be disruption through demonstrations and protests at the site or that the details of the proposed activities on the site or the underlying scientific merits of them such that a fully informed view can be reached about the proposed research.*

9.54 *On the other hand, the Coalition has demonstrated through its documentary and oral evidence that the proposed research is not in the national interest. Alternatively, if this is not accepted, but there is sufficient doubt about the national interest, then less weight should be attached to it. Even if the research is considered to be in the national interest it does not follow automatically that its benefits are sufficient to outweigh the substantial*

harm to national and local Green Belt policy objections.

9.55 The University's failure to adduce relevant evidence in terms of details of the centre, a clear justification for the proposed research or a relevant expert witness, available for questioning in open inquiry together with its "back-to-front" approach to site selection means that they have failed to complete the two principle tasks of demonstrating national need and undertaking an exhaustive and proper search for none Green Belt sites. In order for CU to win this appeal, both of these two elements would have to be accepted on trust, rather than on the basis of tested evidence. Such a finding would not be the result of a public inquiry, properly so called, no matter how many members of the public have attended and have been accommodated over the two weeks this inquiry has sat, but rather of decision reached one knows not how, behind closed doors.

9.56 Whatever the truth about the University's bold assertion that there exists no debate about the merits of animal experimentation among respected scientists, this inquiry, like all public inquiries called for a debate or process of public scrutiny into several key, identified issues. Among these issues are those of the need for the research establishment and, therefore, the scientific utility of primate brain experimentation to human health and alternative sites. The University have failed to make their case properly or at all in relation to either of these. Accordingly, as would befall any other party to these proceedings, their appeal should be dismissed.

10. THE CASE FOR THE BRITISH UNION FOR THE ABOLITION OF VIVISECTION (BUAV)

The main points are:

10.1 The BUAV is opposed to all animal experiments. It is an organisation with a very wide range of support, whose views should be given significant weight. It has shown itself to be a highly responsible organisation, making it absolutely clear, through its constitution, that it only supports lawful process and it has taken legal steps to ensure that it is not taken over by people supporting illegal protest.

10.2 The BUAV evidence is focused around two issues of relevance to the inquiry. First, that the proposal is highly controversial and well known, with obvious consequences for the level of protest. Secondly, that the research which the University relies upon to prove 'national need' is flawed and, thus, the University cannot prove national need.

Controversy

10.3 The BUAV does not support unlawful protests and is not associated with those that do. It cannot say, therefore, what unlawful activities may be entered into if this application is allowed. However, it is well placed to judge the scale of public reaction to the proposal, and to speak to factors that are relevant to assessing the likely level of protest. Ms Thew is a highly credible and authoritative witness, who is in a good position to comment on the matters that give this proposal an extremely high profile in the animal rights world, and beyond. The University suggests that the likelihood of major or unlawful protest has been overstated and that this development is

comparable to others going on around the country, which attract relatively little or no protest. This is simply incorrect.

- 10.4 First, there is now a great deal of information about this proposal in the public domain. This is as a consequence of two things. The BUAV investigation of the existing primate research going on at Cambridge University and the planning process itself.
- 10.5 The BUAV investigation and the video shown to the inquiry have received very extensive publicity in the national as well as local media. It was the leading item on BBC television and radio news and across a range of newspapers, cable stations and the story was picked up globally. BUAV has produced a log of media coverage of the investigation. This has to be contrasted with the almost complete secrecy that usually covers animal experimentation. The public now knows what the University is doing to the primates in its laboratories and is in a position to reach a view as to the level of suffering experienced.
- 10.6 The planning process, which is required to be fully public and accountable, has itself brought a good deal of information about the proposal into the public domain. The University have been forced to be more open about its activities than would otherwise be the case for an animal experimentation facility.
- 10.7 Another factor that has helped to turn the proposed facility into a cause celebre in the animal rights world is the very support that it has received from the Prime Minister. Presumably unintentionally, his involvement has had the effect of raising the profile of the proposal and making it something of a rallying point for those objecting to animal experimentation.
- 10.8 The very reputation and standing of Cambridge University makes the proposal more prominent and more newsworthy. This is combined with the fact that the University is very largely a publicly funded organisation as would be the research itself. This gives the public a sense that certain things are being done in its name, which they may not support and which they have a right to change.
- 10.9 Secondly, CU's refusal to engage in any dialogue about the proposal either with the BUAV or the wider public inevitably raises a suspicion that there is something to hide. The nature of the Home Office Inquiry and the lack of either independence or openness with which it has been undertaken only reinforce this suspicion. There is a public perception that the activities of the University are not properly monitored and assessed. The University express surprise about BUAV's views about the Home Office is not independent, but there can be no doubt that BUAV is correct. The Home Office is being asked to investigate itself.
- 10.10 BUAV's allegations about the inappropriateness of the licences the Home Office granted were directly primarily at the Home Office. This is a thoroughly undesirable situation. The BUAV's concern in this respect has been upheld by the Animal Procedures Committee and by the Minister himself, following a earlier BUAV expose, in proposing an independent element of scrutiny, a proposal not adopted in relation to the current Home Office investigation. These matters are relevant, because

they explain the deep suspicion that is felt towards the regulation of animal experimentation and the anger that is a partial consequence of this.

- 10.11 Next, although there are other animal experimentation centres in the UK, the fact that the University facility involves experiments on non-human primates make its highly controversial. Apart from Huntingdon Life Sciences, other primate centres have not received anything like the public profile. The very high levels of public concern about experiments on primates are shown on the New Scientist Survey and Mori poll referred to (Document BUAVI)
- 10.12 For all these reasons, the BUAV view is that this proposal is highly controversial. The consequences in terms of the numbers of demonstrators and their likely actions is a matter which are appropriately left to the police, the body responsible for public safety.

National Need

- 10.13 The BUAV's analysis remains as in its opening statement. This is an application for inappropriate development in the Green Belt, and as such, the applicant, CU, must show exceptional circumstances. If they seek to rely on national need, then it is for the University to prove that exceptional circumstances do exist.
- 10.14 The University cannot simply rely on a statement from the Minister for the Department of Trade and Industry to establish national need. This statement is not planning policy and neither the Minister, nor any of his officials, have been subject to cross-examination on the statements made. The evidence that has been produced for the inquiry does not establish that there is a national need. In fact, it shows that there are considerable flaws in the research being undertaken and that comparatively little effort has been put into considering the alternatives to animal experimentation.
- 10.15 Dr Langley's evidence (Document BUAV2) shows how little the research being carried at the University has actually achieved. It can, of course, always be argued that it may achieve something in the future. Nobody can ever show conclusively that this would not happen. However, using evidence of past failures is a good way of judging the efficacy of the science. Dr Langley also points to the major differences between the marmoset and human brains, which create great doubts over the usefulness of the research. These are matters upon which other witnesses have presented evidence.
- 10.16 Another fact that casts great doubt over the quality of the science is the condition of the animals. Sir Keith Peters, on behalf of the University, refers to the fact that *"it is vital for the experiments that the monkeys are stress free"*. Nobody who watched the BUAV video (Document BUAV5) could possibly think that these monkeys were stress free. Quite apart from the wholly inappropriate conditions in which they are kept, the combination of the operations they undergo and the regime the research imposes on them - water and food deprivation - means that they were clearly highly stressed. Although the living conditions might improve in the new facility, the major causes of stress would not. The animals would still have to undergo major and traumatic surgery and, presumably, would still undergo the same 'research' techniques as at the present

time. This seriously undermines the research that is being carried out and the value of any results that come from it.

Conclusions

10.17 The BUAV believes that this is and would remain a highly controversial proposal, which would have a very high profile in the animal rights world. In BUAV's view, the 'national need' has not been proven and the appeal should be dismissed.

11. THE CASE FOR DOCTORS AND LAWYERS FOR RESPONSIBLE MEDICINE (DLRM)

The main points are:

11.1 There has been no scientific debate at the inquiry on the relevance of animal experimentation in human health affairs. Such questions as the reliability of using the animal models for the prevention of human diseases, such as the assessment of toxic risk; understanding mechanisms leading to human pathologies; designing early diagnosis; and the development of efficient therapies have not been addressed?

11.2 Some produced lists of cases, where the animal model worked. Some others produced lists where it did not work. This exercise is inconclusive, as giving examples is no demonstration. On the contrary, DLRM present a rather simple argument, questioning the 'model' concept in life sciences in general. Indeed, the biological activities of any individual are determined by its genetic make-up. However, individuals from two different species have different genetic make-ups, since any species is defined by its reproductive isolation. Therefore, individuals from two different species display different biological activities and, consequently, no species can stand as a reliable model for the biological activities of another species.

11.3 We are not aware of a single scientist challenging this syllogism. Some blame the fear of "*individual researchers to stand prominently in isolation* ", for the absence of scientific debate. What matters in a scientific debate is the pertinence of the argument, not the face or the name of its protagonist, who needs not to be physically present and can even remain anonymous.

11.4 We must conclude, therefore, that our arguments cannot be refuted. It follows then that taking as valid for humans results from animal experimentation amounts to tossing coins with human lives. This is not acceptable any more, given the present state of biological sciences, as compared to the empiricism of animal experiment.

12. THE CASE FOR INTERESTED PERSONS AND PARTIES

The main points are:

12.1 **Cllr Mrs Jane Healey** is Chair of the SCDC Planning Committee. As Local Councillor for the area she has been approached by a number of Girton residents who are deeply concerned that the response to this proposal is fully appreciated.

The majority of residents of Girton support the research that is proposed on the appeal site and accepts that the Government believes it to be in the national interest.

12.2 However, this proposal has provoked an extremely strong reaction from animal activists and residents witnessed the strength of their feelings soon after the first planning application was submitted. At the first sizeable demonstration the Police 'herded' the demonstrators through the Village, to the recreation ground. The dogs were allowed to foul the children's playground and an overwhelming number of cars were parked throughout the village. Cones associated with controlling the parked vehicles also inconvenienced residents. One aspect to these demonstrations that isn't generally appreciated is the sheer level of noise. Activists have a number of tactics, and one is manning timeless vigils delivering constant noise, continuous chanting, banging and bell ringing that can be unbearable. Local people are terrified of this particular threat.

12.3 It was noticeable that soon after the activists started to demonstrate against this proposal, the University began to install security measures, massive gates etc and uniformed security men. They were seen to accept the probability of massive demonstration against the research planned for the proposed laboratory and were happy to accommodate it, no matter what the cost to the public. In Cambridgeshire, we are very aware of the problems suffered by Huntingdon Life Sciences, against which a fierce campaign of demonstration has been directed for many years. Many of us have been receiving literature/ letters from activists for some considerable time and they are blunt about their intention to change the focus of their attentions from HLS to 307 Huntingdon Road, should this proposal go ahead.

12.4 The Police have also made it quite clear to residents that they expect long-term demonstration at the site. A number of us have visited HLS to see for ourselves how a laboratory protects itself against this kind of demonstration. I cannot describe_ the shock that I felt at first sight of a HLS. Someone else, who had visited, suggested to me that most prisons are less secure. It is the most appalling sight, especially in the British countryside. The outer ring of barbed wire is reminiscent of a world war scene. At the height of the demonstrations, the noise experienced is unbearable, and would be intolerable for those living nearby, not least because they could not escape it.

12.5 The people of Girton are horribly aware that, should this proposal go ahead, visitors driving into Cambridge along Huntingdon Road would be greeted by a similar fortress. It is difficult to describe the horror we feel at such a prospect! This may sound like NIMBYism, but this proposal threatens Cambridge, a beautiful city. Today, one drives from the A14, or the M1 onto rural Huntingdon Road, soon to be greeted by glorious Girton College. The architectural design of the proposed laboratory would have been a delight as one drove into, or out of Huntingdon Road, but the necessary security measures and the presence of the demonstrators would completely overwhelm it. Although it is claimed that 307 would not resemble HLS, there is no evidence to support this view. All we have is HLS.

12.6 In the event the proposal goes ahead, residents have strong concerns about

demonstrators blocking the roads, especially in proximity to a major road junction. Of course, living locally, we drive past this site regularly. This is an important route and these are extremely busy roads, where it will not be long before there is a significant accident if the laboratory is built.

- 12.7 We have been told that the research is of national importance, not that it must be sited at 307 Huntingdon Road. The people I represent believe there are other sites, far less sensitive than this one, where this laboratory could be built. HLS underestimated the length and intensity of demonstrations and the additional necessary security. Should this happen at Girton it would overwhelm visually and change the character and appearance of the area. The site is of value to the Green Belt and it is important to protect it.
- 12.8 The **Rev Dharmavidya David Brazier** of the Order of Amida Buddha considers the inquiry could be assisted by the views of a member of a religious minority. In particular, if one is to predict what is likely to happen it is necessary to understand people's motives. The Government intends that faith communities should be active contributors to national life, each offering its unique gifts as a contribution to the whole, rather than becoming rally points for dissent. In this context, allowing this appeal would be a retrograde step running counter to that intention.
- 12.9 To members of the Buddhists, Hindus and Jains who constitute a significant section of the British population, the lives of animals are sacred. It is offensive to our religions that animals should be killed at all. The closer the species to humans the more offensive it becomes. We do not see animals as commodities, or the boundary between human and animal life as firm. We are particularly strongly opposed to the use of higher animals, primates, in ways that lead to their mutilation and death.
- 12.10 This proposal is not simply another case of animal experimentation, it represents a shift of the boundaries. Even people who accept a need for animal experiments see experiments on primates as unacceptably close to experimenting on humans. If this application were accepted it would set a precedent that would deeply disturb our communities. Many people would feel a spiritual obligation to oppose and hinder such initiative in all possible ways within the law.
- 12.11 From the Police evidence, it is striking just how much disruption can be caused by a relatively small number of people who feel strongly enough about an issue. The question of vivisection, especially vivisection of monkeys, is, of course, always going to be just such an issue. The Police are undoubtedly right that the numbers of people who come to Cambridge to protest will increase if these laboratories are built and operated.
- 12.12 In my capacity as one who knows something of the dynamics of these events and the groups who participate in them, I can say the following. First, there are, to my direct knowledge, people in this field of social activism, who have not previously participated in campaigns within Cambridge itself who intend to do so in the future, should this proposal be allowed. Secondly, there is a strong likelihood that the tactics employed by activist groups would, in the future, become more sophisticated. While

demonstrations outside target premises would no doubt continue, it is very likely the target of activity and interest will expand to include the economy of the City more generally. It seems to be easier to close down Cambridge's traffic system than to close a fortified University building.

12.13 Next, not all activism happens on the street. Today power lies with information and opinion formation. Much protest activity involves the use of the Internet and again this is increasing in sophistication. The Internet can be used for gathering people and arranging protest meetings. It can also be used to organise boycotts. Cambridge is a tourist magnet and it would have great impact on the economy of the City were it to become known as 'vivisection city' instead of 'the city of ancient spires'.

12.14 Finally, we have heard very little at this inquiry about the activities or concerns of protesters who stay within the law. It is unfortunate that for groups like ourselves, who make a practice of protesting within the law, no one listening to the proceedings of this inquiry could be in much doubt that co-operation and law-abiding protest carry far less weight with the authorities than those that cause widespread disruption. This fact can, of course, help one to see why people who feel deeply about an issue can feel driven to take extreme measures. It is not my impression that many, if any, of those who protest in the kinds of ways described by the Police are unprincipled or criminal people in the normal sense of these terms. They are simple people of deep principles who see no other way of being heard.

12.15 Statistically speaking, during the 15-minutes it has taken to read this submission, somewhere in the world 75 more young people aged between 15 and 25 will have caught HIV. This disease is generally thought to have originated in monkeys. Whether you believe that this is the kind of cosmic retribution for the way humans have treated other species or not, one can at least hardly believe that the kind of activities that are being proposed at these laboratories are without risk of harmful consequence.

12.16 For all these reasons, we oppose the proposal.

12.17 Ms **Margaret Wright** as principal speaker of the Green Party of England and Wales and a local resident made clear that both she and her Party oppose the proposal. The Green Party deeply regrets the highly restricted terms under which current legislation operates in considering such applications. Terms that do not take ethical considerations into account. In any event, there have not been sufficient amendments to the original plan to now justify acceptance in accordance with the planning guidance governing development in the Green Belt. Those who wish to see further, major development in an around Cambridge now view the Green Belt as an impediment to their ambitions. This is not the view of the majority. Now we have threats of removing and relocating research facilities and the loss of competitive edge not to mention the Competitiveness White Paper (December 1998) as a stick with which to beat planners and local authorities. This further undermines the Government's desire to be seen as 'green' and environmentally friendly.

12.18 The University makes the case that 307 Huntingdon Road will be part of a 'bio technology cluster' and of the 'Cambridge phenomenon'. Business 'cluster' theory can be usefully employed in the name of expansion by justifying further expansion

whatever the ethical considerations involved. Following this logic, the siting of one such facility would presumably, open the door to other, similar establishments. Indeed, the area surrounding 307 Huntingdon Road is seen in the longer term suitable for further expansion by the University. Do other university departments wish to be neighbours of this primary research facility?

- 12.19 Furthermore, the East of England Development Agency and Go-East have clearly expressed anxiety that the overheated economy in and around Cambridge is distorting the development of the whole eastern region. They wish to see less developed areas benefit. The current price of houses in Cambridge is but one clear indication of the depth of the problem. However, we hold the view that, far from turning Cambridge into a global leader in neuroscience, such a research facility would bring both the City and the University into disrepute. It should not be sited anywhere. Unfortunately, since a democratic decision taking into account the views of the majority of the people is being suppressed in this planning process, the people have no alternative, but to take their protest onto the streets. The Green Party has already participated in non-violent action and, should planning permission be granted, would continue to do so.
- 12.20 Among the many reasons for resisting this project I should stress that it is logical, following the ban on the use of great apes in research, to seek a similar ban in relation to all non-human primates. The Green Group in the European Parliament is in the forefront in calling for this. The University has already hit financial difficulties in causing controversy over its readiness to seek global capital as a source of some of its funding. It surely can not afford to invest so much in what could soon be a redundant facility as better alternatives, not reliant on research on primates, are introduced.
- 12.21 The **International Primate Protection League** UK opposes, on behalf of local residents, the chosen location of the proposed facility on a number of grounds. First, the proximity to a residential suburb of a major conurbation presents an unacceptable and avoidable health risk to the community. The primate subjects are known to present a biological hazard through risk of cross infection in both directions, (primate zoonosis and anthroozoonosis). This has occurred at other similar locations, notably with Marburg and Ebola viruses. CU's claim that this risk is avoided with captive bred animals is not sustainable. Millennia of a viral inheritance can be transmitted via the placenta, even with birth by caesarean section. Humans as a vector for, and as a subject of, similar pathogens is known, and a suspected, cause of pandemic disease. The probable mutation of SIV to HIV is a pertinent model. While original transmission is postulated as arising from bush meat consumption, there are examples of laboratory transmission. For example, Asian monkeys have suffered from African diseases, which could only occur through a human vector.
- 12.22 Secondly, as quoted in *The Lancet* (3 August 2000) '*frequent use of macaques in bio medical research and identification of persistent retroviral infection from macaques to humans could have implications for public health policy and occupational health and safety*'.
- 12.23 Next, the risk of cross infection cannot be eliminated, but it could be minimised. Important requirements are to adopt a quarantine regime for all personnel, and a distance barrier between the facility and the nearest potential subjects of cross-

infection. A quarantine regime is not difficult to establish here. However, if a pathogenic problem should arise, it will then be more practical to contain the original source than to control infectious human contact with off-site communities. This should avoid the foot and mouth type crisis arising through cross contamination at an early stage.

- 12.24 Fourthly, it is appreciated that such precautions would impose inconvenience on personnel and visitors and would involve redesigning the existing regime. We understand that the University's intention is to present the new facility as a progressive model of 21st century science. This would provide an opportunity to apply original thought to research and teaching procedures.
- 12.25 In conclusion, it is our intention to alert the SoS to the fears of local residents. Distance is important in lessening fear and in this case, by locating the building elsewhere the risks are avoidable.
- 12.26 **Girton College** objects to the current proposals. Girton College has occupied its present site on the north-eastern side of Huntingdon Road (A 1307) since 1871. There are three main accesses for vehicles from the Huntingdon Road, known as Main Drive, Orchard Drive and Grange Drive. There is one vehicle access point from Girton Road and at least 11 pedestrian access points to the site as a whole. The most northerly drive, Grange Drive, which gives access to Grange Lodge, occupied by 4-students, and The Grange, occupied by 16-students and 2-fellows, is almost opposite 307 Huntingdon Road. The main College building houses some 320 resident members and 25 others live in smaller buildings on the Huntingdon Road side of the site. Thirty live in properties on the Girton Road site and 16 on the south-western side of Huntingdon Road, immediately opposite the main college entrance. Approximately 150 non-resident academic and other staff work on the site. During the vacations residential accommodation is in frequent use for conferences and makes an important financial contribution to the running of the College.
- 12.27 Most of the students who live on site travel into and return from Cambridge by cycle at least once a day. Over the years there have been numerous accidents to cyclists and road safety measures have been taken in recent years, including the building of a central traffic island opposite the main drive, a pedestrian crossing at Girton Corner and cycle lanes on both sides of the Huntingdon Road. These have considerably improved the situation, but the volume and speed of traffic are still hazardous, particularly for cyclists. This problem would be exacerbated by the greatly increased traffic and activity occasioned by the construction and operation of the proposed research premises.
- 12.28 Demonstrations also give rise to problems of congestion and make access to the College difficult. On 22 June 2002 large numbers of cars, apparently belonging to demonstrators, were parked in Girton Road, making access into Girton Road more dangerous. This was a day when many students were being collected by parents at the end of term and the additional traffic, together with the presence of

demonstrators and Police in Huntingdon Road, caused considerable inconvenience.

- 12.29 It is almost impossible to prevent access to the College site altogether. There are also many access points within the building itself. Additional security measures will be needed if the proposal proceeds. The money necessary to implement these could be better spent on education, quite apart from the fact they would have a negative impact on the quality of the living and working environment, which the College presently provides to its staff and students. In the long run, if College members are continually inconvenienced by security measures and intimidated by demonstrators this may affect the College's ability to continue to attract high calibre staff and students without compromising its academic standards. It may also, for the same reasons, cause a decline in conference business, which could be financially disastrous to the College. With additional security measures in force it might be impossible for local residents to gain free access to the College grounds, a benefit which they currently enjoy.
- 12.30 The following problems have been experienced from demonstrations so far. First, during a demonstration on 18 August 2001, a number of demonstrators attempted to walk through the College grounds towards Girton Village. During the demonstration of 22 June 2002 several demonstrators were observed to be using the College woodland adjoining Huntingdon Road as a lavatory. On the eve of the opening of the inquiry a small number of demonstrators walked down the main drive and attempted to disrupt the normal business of the College. They told the Head Porter more demonstrators were on their way, although none did in fact arrive.
- 12.31 A further worry for the College is that some members of the public regard the College as indistinguishable from the University of Cambridge, of which it is, of course, a constituent part. Consequently, they may direct their protests against the Girton College itself. Phone calls have been received from 'interested parties' who wanted to protest to me as Bursar of the College about 'the College's' planning application. Perhaps not surprisingly, they have found it difficult to understand that it is not Girton's application. It is very difficult to see how this misunderstanding could be corrected. The College considers, therefore, that the safety of its members and its property may be put at risk if demonstrations continue and are mistakenly directed towards the College itself.
- 12.32 **Joan Court** is the founder of APE (Animals, People and the Environment). She is a nurse and a member of the University. She operates an animal helpline sponsored by the Quakers, and as a consequence gets many inquiries from the public generally and from animal rights campaigners. Most cannot understand why moral issues are not a planning consideration and several have said '*then if we were planning a concentration camp for people, the moral aspect would not be taken into account?*' This is a philosophical question I have been unable to answer.

12.33 The second most frequent question is in regard to the role of John Prescott. It is widely assumed that any conclusion and recommendation the Inspector makes would carry no weight with Government, so the whole inquiry is regarded by many as a charade. At the heart of the case, predictive studies should not be applicable in the present system. The animal rights' coalition, which opposes this proposal, has some 1000 active campaigners and these will focus on this site in an attempt to prevent its construction and operation.

12.34 On behalf of SHAC (Stop Huntingdon Animal Cruelty) a film (Document SHAC) was shown. In addition, SHAC made clear that they have the resources to pose a threat up front to the construction and operation of the proposed animal research establishment. This proposal represents quantum leap and the opposition to its use is moving forward. This could include continuous blocking of the A14/M11. Moreover, this would not involve objectors turning up, looking at the target sites. It would involve treating Cambridge University as an entity. If described as the animal cruelty capital of the world this could have a tremendous impact on the economy within the City and the students and their prospects of employment in the future. SHAC believe that you can change the way people think by taking action to highlight unacceptable practices. The University consider that what has happened in the past will continue. This is not so. Every single tactic could be employed in the future including various new ways of opposing animal cruelty not seen so far. This could involve concentrating on banks, insurance companies, and contractors and suppliers involved in the building of the site.

12.35 **Lynn Sawyer** is a registered nurse and midwife. During a road blockade of the A1 near HLS she was severely injured following the action of a Police Officer. Following considerable pressure from the Police Complaints Commission the Officer in question was issued a written warning following the incident. The Police are unable to predict road blockages and other such non-violent direct action. The treatment by Police and the legal system is far more likely to encourage covert activities as a result. Moreover, the lessons learned by the Police from the incident in which she was involved will make them more cautious in summarily removing protesters in the future.

12.36 **Susan Hughes** speaks on behalf of the hundreds of visitors who have signed petitions against the proposed primate laboratories, but may not have expressed their views in writing. Many people expressed revulsion at the nature of the proposed research when the BUAV investigation was made public. However, people have no faith whatsoever in the ability of the Home Office Inspectors to fulfil their responsibilities. A great cause for concern is the definition of mild, moderate and substantial pain and the 'averaging out' of pain, which allows the suffering of individual animals to be disregarded. A 'moderate pain' licence can then be awarded when, in fact, many animals may experience substantial suffering as evidenced in the BUAV video work. "We are not monkeys" is a such a common statement now that perhaps those involved in animal research should realise that the public is seriously questioning the use of primates to study human diseases, which do not occur naturally in animals.

12.37 What is the national interest? I have been asked this question many times and when I put it to a member of the Planning Committee I received the honest reply "I have no

idea".

John Prescott was twice approached by the Council Planning Director to define "national interest", but he did not respond. How can we accept the term on which so much hinges yet for which there seems to be no definitive explanation? The public feels it should mean the health of the nation, which surely can be improved only if all avenues of research are explored. Non-animal research must be given the level of funding which animal experimentation is currently granted.

12.38 Linked to the national interest is the anger felt by residents that this can override Green Belt policy and that the Planning Committee has agreed to assist the University in finding an alternative site, even on designated Green Belt land. The public feels betrayed by this offer.

12.39 The work of the Cambridge Brain Bank Laboratories (CBBL) has provoked much interest in Cambridge. As Sir Keith Peters mentioned this work, I would like to quote from a BBC radio interview with the Director of the CBBL. *"These diseases do not occur naturally in animals. Even experimental models in animals are not adequate. They may focus on one aspect of the disease, but Alzheimer's, Parkinson's disease and other neurodegenerative diseases occur in humans and it is in human tissue that we will find the answers to these diseases"*. Part of the work is funded by the Humane Research Trust, which obviously would never allow its name to be linked to research involving animals.

12.40 As to the care of primates in laboratories, Sir Keith replied that the animals received 24hour round the clock care. I cannot let this statement go unchallenged. As the BUAV video reveals, severely brain damaged monkeys were left unattended overnight. Some were even left without regaining consciousness after invasive brain surgery. The Codes of Practice for post-operative care were regularly disregarded. How can any of us believe that a new laboratory would be any different and how rigorously would the premises be inspected.

12.41 The UK's inability to implement properly the 1986 EU Directive on the protection of animals is revealed every time an undercover investigation takes place. I welcome the European Parliament Report on re-writing the Directive, which calls for a review on the use of all primates in vivisection, with a view to eliminating their use. The new Directive would then render primate experiments obsolete.

12.42 **Professor Christopher Greenwood** has no connection with any of the groups on either side of the ethical and scientific debates about the research, which CU proposes to conduct. His concern is with the University's choice of site. He takes as his starting point that if the proposed development was to serve as a magnet for criminal and disorderly activity, that this is a relevant factor to be taken into account in the planning process. It seems clear that grant of planning permission for 307 Huntingdon Road would lead to crime and disorder in the area. Although -the University suggest to the inquiry that the risk would be small, CU's behaviour strongly suggests contrary.

- 12.43 Moreover, when a number of local residents complained about the lack of consultation with those living near the site, we were told that the 'obvious and serious' security concerns about the proposal meant that such consultation had not been thought possible. While the nature of the proposed research is such that it would attract opposition wherever it is sited, the proposed site at 307 Huntingdon Road offers particularly rich opportunities for disruption. In particular, the location on the A1307 means that any demonstration involving more than a handful of protesters would affect traffic. The proximity to the busy intersection of the A1307, M11 and A14 would allow determined protesters to block all three roads, or force the Police constantly to divert resources between these roads.
- 12.44 Next, the presence only a few hundred yards away of Girton College, with its large and generally open grounds offers both an alternative target and a place in which protesters could gather and take refuge. The access to the site along the track which skirts the edge of the University and runs along the back of the gardens of my own house and those of neighbours, offers an alternative means of access to the site and to the University Farm, where livestock are kept, and raises the possibility of protesters entering and damaging the properties of those who live in that area. Finally, the footpath gives a further means of access to the site and an underpass to the M11.
- 12.45 It is no surprise, therefore, that the Police regard this site as particularly ill suited to research likely to attract demonstrations and possibly worse forms of protest. What does surprise, and shock, is that the University have not apparently sought the views of the Police on any other potential site. It appears to have ruled out other sites on the basis of its own priorities, without making any attempt at an informed comparison of the security implications of those sites.
- 12.46 Those living near 307 Huntingdon Road face the prospect of traffic disruption, with the attendant pollution, noise and inconvenience, noisy and disruptive demonstrations and possible intrusions into, or even attacks upon property. There could also be the mass release of primates. There would be an inevitable loss of amenity and property value and the creation of a sense of insecurity and fear among local residents.
- 12.47 While recognising that a resident who expresses his views might be accused of NIMBYism, in this case this is an allegation, which could more appropriately be made against the University. Their evidence makes clear that it is determined not to have the proposed development in its own backyard. This telling admission of the University's concern for the views of commercial collaborators about the project is in sharp, but perhaps understandable, contrast to CU's failure to show even a glimmer of concern for local residents in the Girton area. The proposal for 307 Huntingdon Road, if allowed, would transfer the unwelcome neighbour to our community, leaving 'clusters' to thrive and palm off responsibility for the unrest onto others. No doubt this is, as Oliver North would have told President Regan, 'a neat idea' for the University, but it is one that flies in the face of a principled approach to planning in a democratic society.
- 12.48 **Dr J Vlasak** is committed to stopping the use of animals and bases this on the scientific invalidity of the all the results produced so far. He is a trauma surgeon from the United States and represents the Physicians Committee for Responsible Medicine,

a group of more than 5000 physicians world wide opposed to animal case research on scientific and ethical grounds. He fully supports preventative medicine and endorses the belief that medical research with animals violates the terms of the Hippocratic Oath. Based on experiences in the US, he considers there to be a fallacy in the belief that proposed research on monkey non-human primates will yield results of use in the prevention and treatment of neurological disease and condition. There are also possible public safety issues, which may arise.

- 12.49 The use of non-human primates in medical research fostered by peer review is very easy to follow. It represents the path of least resistance. However, all that is produced is volumes of useless data at great cost to the taxpayer. As for public safety, demonstrations in Georgia produced 200 arrests and tear gas and stun grenades had to be used. It would be quite easy to gridlock Cambridge with a potential for major injury. It is time to modernise our approach to health research and the extent of testimony to this effect is large. It would be irresponsible to allow Cambridge to become the centre of animal cruelty.
- 12.50 Ms **Louise Owen** delivers a statement on behalf of the Medical Research Modernisation Committee who has issued a document on behalf of Seriously Ill Against Vivisection. The University's scientific witness Sir Keith Peters admits that he is not an expert in this field and, consequently, was unable to produce any specific scientific data. Sir Keith referred us to his experience of hospital patients, whom he cited as examples of the effective animal model. This is despite the fact that Parkinson's, Alzheimer's, strokes and multiple sclerosis are alive and well, after many decades of animal research in these areas. This state of affairs is echoed by the words of Dr Sabin, inventor of the polio vaccine, *"The cancer research bodies cause pain and suffering to hundreds of thousands of animals every year by inducing in animals, by chemical or irradiation, large cancerous growths in their bodies and limbs ... giving cancer to laboratory animals has not and will not help us to understand the disease or to treat those persons suffering from it"*.
- 12.51 It is important to stress that although there are only three doctors present at this inquiry who oppose the animal model, the scientific organisations that they represent comprise many thousands of doctors and surgeons world wide. A scientific body that is increasing in membership all the time. Following a career of 30-years as head of one of the largest animal laboratories in Europe, Professor Pietro Croce states that experimenting on animals to cure disease is, quite simply, *"untenable in scientific terms"*. Professor Croce is now Honorary President of the Doctors and Lawyers for Responsible Medicine.
- 12.52 When asked about species extrapolation Sir Keith Peters agreed there are differences between non-human primates and human patients. He accepted, also, that it was not possible to know the effect of a result extrapolation from non-human primates to human primates until after the human trials had been completed. One doesn't have to be Einstein to wonder what on earth the animal model is doing there in the first place, if it is not reliably predictive for human patients.

- 12.53 Let us remember Sir Keith's statement "*If we don't do the research here, it will go somewhere else*". Again, as a scientific statement this disappoints. No true scientist would deny research elsewhere. A true scientist would revel in the thought that perhaps others, elsewhere, were carrying out essential medical research for the good of humanity. What, therefore, can be the motivating thought behind this selfish desire to deny others a share in good medical research? Sir Keith's statement clearly points to the financial aspect of vast sums of research grant money that would be lost if the research "*goes elsewhere*". His statement is neither scientific, nor motivated by human medical progress.
- 12.54 The Director of Research of the Parkinson's Disease Society says that "*The results from this study investigates another way to alleviate the symptoms of Parkinson's Disease. But it is essential to stress that the research was undertaken on a small number of nonhuman primates for a very short period of time. The extrapolation of these results to humans must be treated with caution and further research is needed. The PDS strongly emphasise that anyone who feels their medication may be inappropriate should consult their doctor immediately.*". This is a statement expressing fear and apprehension, homing in on the extrapolation difficulties experienced when trying to create an animal model of a human disease.
- 12.55 Cambridge University is revered. It is seen as something almost sacred within the realms of higher education. However, what we have to remember is that making mistakes is an integral part of the scientific process. Embracing their consequence with an open mind, learning from them and moving on with an improved scientific remit. Not only does Sir Keith ignore the many thousands of doctors and scientists who are trying to show a new direction illustrated by detailed peer reviewed scientific data. Sir Keith leaves us with no detailed, specific scientific data himself, combined with the conceit and arrogance which surely impedes the healthy flow of new ideas, revealing again the disappointing workings of an unscientific outlook.
- 12.56 It is neither professional nor scientific for CU to engage in matters of animal welfare. The University is a scientific department, not an animal rights organisation. Its scientific approach, therefore, should mirror the professional position expressed clearly by Dr Greek and Dr Reiss. They are dictated to by the very nature of their profession as human doctors and scientists, which quite obviously does not include the separate ethical field of rights for animals.
- 12.57 Sir Keith clearly stepped out of his scientific remit and assured us that the non-human primates "*will be looked after 24 hours a day*". That is after locking them in a cage, sawing off parts of their brains, plying them with various chemicals to induce human illness which they don't get naturally and watching them spin round, up to 300-times an hour in a circle, whilst screaming to get out of their plastic cages.
- 12.58 Finally, in CU's opening statement, the project was described as "*The lawful experimentation on animals and the unlawful activities of animal rights protesters*". We were left in no doubt as to the fact that, by law, animal experiments are permitted as safety tests for human beings. Safety tests that, by the most basic of logical deduction, can never predict the nature of a drug reaction until after a human clinical

trial. Not so long ago, the Apartheid system in South Africa permitted the lawful suppression of and lawful imprisonment of their leader, Nelson Mandela for 25-years. The world looked on, appalled by this state of affairs and slowly, but surely, an effective pressure group grew. Lawful behaviour quickly became viewed with utter loathing and now Mandela, who was once viewed as an enemy of the State, is free to be the person he chooses.

- 12.59 I believe, along with the great British newspaper, The Independent, that this inquiry is no longer an issue of planning. It has enabled an extraordinary coalition to come together at a critical time. The Physicians Committee for Responsible Medicine is currently filing suit against animal experimenters who do not adhere to more effective, human based research methods prior to grant application, thereby breaking Federal Law.
- 12.60 I feel sure that legal action, at the International Court of Human Rights, represented by Britains leading human rights defence barrister, Michael Mansfield, who is a patron of Doctors and Lawyers for Responsible Medicine, will be an inevitability. To use a description close to the heart of the legendary tennis player Martina Navratilova, whose review can be read on the back of Dr Greek's first book, the ball is very definitely in the court of the animal research scientists. I am hoping, in the spirit of the great Pietro Croce, that an open, transparent dialogue will occur before long and that the old will embrace the new. In the words of Nelson Mandela "*We shall then be able to let bygones be bygones*" and devote all our energies to building research centres of excellence, dedicated to promoting the very latest state of the art human technology, designed with human patients in mind.
- 12.61 **Mrs Ferdin** of the Primate Freedom Project believes that animal research has not been successful. Numbers of all illnesses are up and the numbers of those suffering from cancer is up. Non-human primates should not be imprisoned and tortured by invasive surgery and other techniques. Homes near to such establishments in the States were nearly all up for sale. No-body wants to live near such an establishment. Eventually the animal research establishment was closed. Of all the animals used in experimentation, the use of primates is by far the worst. Those involved represent the greed and arrogance of a non-feeling few.
- 12.62 Ms **Annabel Holt** represents the University of the Planet, the Wonders of the Universe. She does not oppose knowledge, but opposes non-knowledge, not the scientific, but the experimental. Any investigation must be species specific. The primates are treasures and introduced as exotics in the UK. Scientists are traitors to humanity and the Prime Minister and the Minister for Science are traitors also. The 1992 Rio Summit concluded that the life support system of the planet is dying, whereas earth should be the planet of the living. As it is, chemicals are insidiously pervading it. The Government needs to be looking after our health and the Minister for Science needs to put his house in order. As Sir Alec Bruers says that we should act wisely in the amount of earth we place under our concrete edifices.

13. WRITTEN REPRESENTATION

The main points are:

- 13.1 There are many references in the vast weight of some 30,000 objections to the points that have been made previously in the cases of those objecting to the proposals. Consequently, I have not made any attempt to repeat these points, but merely to highlight some key matters raised. The objections come from established organisations such as the RSPCA, Government Departments, MPs and in large part from individual objectors and residents, byway of letter, card and petition.
- 13.2 In the first place, it is clear that most objectors find all research on animals repugnant. Moreover, they are surprised that such an exalted seat of learning would involve itself in something so reprehensible. A sizeable proportion does not see research carried out on the non-human primate model in the same light as general animal research. They see non-human primates as being much closer to humans and, therefore, much more distasteful. As some point out, employment of great apes is no longer a legal option and, in any event, one not favoured by those undertaking the research. Many state that monkeys used as a model cannot produce worthwhile results for humans and that the genome is materially different. Many point out the research that has gone on for countless years without producing any worthwhile results. A large number of objectors are bemused about how this could be judged to be in the national interest or even the definition of 'national interest' in this context.
- 13.3 As for the experimentation itself, concern is expressed about the care and welfare of the monkeys and the levels of pain and suffering. Questions are asked about the Home Office involvement in overseeing the animal establishments and the peer review system that perpetuates the testing on non-human primates. Objections are lodged to the lack of response to the BUAV video and the obvious disparities between what actually goes on and the Rules that should prevent ill-treatment. Many suggest that other techniques for testing drugs etc are available and that it is only a matter of time before the current practice is outlawed. Strong feelings are expressed about a perceived 'arrogance' of those working at Cambridge University.
- 13.4 A considerable number say they will involve themselves in demonstration and protest and point out that in such matters as animal cruelty Government invariably lags behind public opinion and sensitivity. The use of great apes, animals and cosmetics, fox hunting and animal export are all mentioned as cases where it has been necessary to 'persuade' Government by one means or another.
- 13.5 From a planning perspective, the loss of Green Belt, visual intrusion and failure to secure the development on an allocated employment site are all cited. Local residents, many of whom do not object to the animal experimentation itself, firmly believe that 307 Huntingdon Road is not a suitable site and, if permitted, would lead to a material worsening in the reasonable expectations of residents of Girton. Andrew Lansley MP suggests that one way to overcome the site-specific objection is to allow a 'conventional' University activity on the appeal site and use the site that was earmarked for this for the non-human primate laboratory.

13.6 Fear is also expressed about the possibility of the escape of virus or disease generally. Specifically, Professor V Reynolds (Professor Emeritus of Biological Anthropology) highlights a laboratory built recently at Oxford University to the highest standards of bio-safety. This had to be closed owing to a leak of viral material from one floor to another. There are worries that the security required for this establishment would mirror that at HLS and destroy a pleasant approach into Cambridge. Some express concern for the future of Cambridge and its University if this is allowed and finally, many raise the problem of demonstration and the effect this could have on the adjacent highway network.

13.7 From the opposing standpoint a few support the proposal on the basis that the neurological diseases the experimentation purports to address are life-threatening and awful for those experiencing them. A greater number claim to have or have loved ones with the neuro-degenerative diseases and still maintain that relief should not be secured through animal experimentation, particularly that employing non-human primates. Finally, there are those scientific interests who wholeheartedly support the project and this includes the written submission of the Medical Research Council.

14. INSPECTOR'S REASONING AND CONCLUSIONS

Introduction

14.1 My conclusions take into account all the evidence presented to the inquiry, the written representations and my inspection of the site and its surroundings. The references in square brackets, usually following sub-headings or at the end of paragraphs, refer to the preceding paragraphs from which facts and conclusions are drawn.

Material Considerations

14.2 In this case, there is no dispute that the appeal site lies in the statutory Green Belt or that within this designation the erection of a new building for a B 1 (b) use constitutes inappropriate development. Accordingly, the First Secretary is obliged to determine this appeal in accordance with a presumption against allowing inappropriate development in the Green Belt, unless there are very special circumstances to justify an exception and which clearly outweigh the harm to the Green Belt and all other harm (ppG2, 3.2). In establishing the balance between the identified very special circumstances and the perceived harm I find the following to be the main material considerations:

The planning policy framework;

- The need for the proposal;
- Security/demonstrations and the consequences;
- The effect on local residents;
- The visual impact and harm to the Green Belt;

- Alternative sites;
- Other material factors.

14.3 I have considered each of these aspects in turn and drawn my conclusions together in an overall summary. In the event that the First Secretary is minded to allow the appeal, I have commented on the s.106 Planning Obligations and the draft **conditions**.

Planning Policy Framework [1.2, 4.2-4.3, 5.3-5.7,6.1, 7.58-7.67,8.59,9.1-9.2, 9.6-9.9,9.46-952,12.7 and 12.17-12.18]

14.4 There is considerable force of argument in favour of the creation of jobs and, in and around Cambridge, many jobs are generated through research undertakings fostered and supported by what is known as the Cambridge Phenomenon. Looking at the DP, the Cambridge Green Belt LP ⁽¹⁹⁹²⁾ Policies GB3/1 and GB3/2 identify a strong presumption against inappropriate development in the Green Belt and advise that permission will not normally be given for development, where it would adversely affect the rural and open character of the area. This is reinforced by the extant Cambridge Structure Plan ⁽¹⁹⁹⁵⁾ (SP) and the adopted South Cambridgeshire Local Plan ⁽¹⁹⁹³⁾ (LP). As indicated above, there is no dispute that the proposal constitutes inappropriate development in such a location and, thus, the presumption against inappropriate development pertains.

14.5 In the context of employment, SP Policy SP5/6 supports the expansion of existing firms, provided the scale of growth does not conflict with other policies in the Structure Plan. SP Policy 18/6 advises that the development of research establishments, which are in the national interest and have a special need for location in the Cambridge area will normally be permitted. The explanatory text says that new activities will normally be restricted to existing built-up areas, but in the case of agricultural research, development may be permitted in the open countryside. The SP informs that all districts have adequate supplies of land to meet development needs for employment uses, including high technology, up to 2006.

14.6 The emerging LP review has reached an advanced stage, with the Inspector's Report into objections having been received and proposed modifications published for public consultation. I therefore accord it significant weight. Of relevance to the appeal site, emerging LP Policy EM5 has been re-worded to ensure greater consistency with the other elements of the DP. In particular it states that proposals for new or extended research establishments, which conflict with other policies and proposals in the DP must be outweighed by evidence of need in the national interest.

14.7 The Regional Planning Guidance for East Anglia to 2016 (RPG 6) contains a number of policies encouraging the development of research and technology based industries in and around Cambridge to support and consolidate the Cambridge Phenomenon and the expansion of the group of research and technology based clusters. Other studies support the extension and consolidation of clusters and the latter defines the needs of biomedical technology are highlighted as a priority cluster.

14.8 Taking all these factors into account, it is clear that the motivation and support for

research establishments and particularly bio-technological enterprises carry considerable weight. It follows from this that there is an obligation on the policy makers to accommodate this need within the DP, through the allocation of an appropriate level of land and supportive policies. It might be argued that the policies leave it open to conclude that the need for institutions/ enterprises, that can be shown to be in the national interest, could, on occasions, outweigh all other planning considerations. Clearly this might be one such occasion. However, I do not subscribe to the theory that planning for the national interest in this context should be met generally through an *ad hoc* arrangement, outside the DP land allocations.

14.9 It follows, therefore, that where a proposal conflicts with DP allocations and/or key policies it is necessary to weigh in the balance all the material considerations to ascertain if they are sufficient to outweigh a strict application of the prevailing policies. In this case it is the Green Belt policies that would be breached. As concluded above, there is no automatic expectation that a research/development proposal in the national interest would overcome all policy objections in every case. This is particularly so as the SP confirms that all the districts have sufficient land. I agree, however, that proposals that are in the national interest will carry significant weight. It is worth restating that, in the case of a site in the Green Belt the national interest/ need to develop and any other very special circumstances in favour of the project must outweigh the entire perceived harm.

14.10 In this context, I have some difficulty in reconciling SCDC's approach to the policy framework. In making only passing reference to the Green Belt, the thought process followed by the Council appears to conclude that the proposal is inappropriate development in the Green Belt, but that it would now cause very little harm to the stated functions of the Green Belt. It has then concluded that the national interest/ need, confirmed by the Parliamentary Under SoS for Science and Innovation, constitutes a very special circumstance that 'cancels' out the Green Belt adverse presumption. This, and the revisions to the scheme, would account for the change in the Council's reason for refusal, between the earlier 2000 application and the one now the subject of this appeal. It has then concluded, and apparently totally separate from the previous line of reasoning, that the concern about security etc remains undiminished by the national interest/ need argument. Put another way, the national interest 'cancels' out precisely and exactly the Green Belt objection, with no weight remaining to set against the other harm.

14.11 In my opinion, this approach does not conform to that evinced by PPG2 and, in this, I am more inclined to the Coalition approach. This requires that the very special circumstances of the case must outweigh the entire harm, including that to the Green Belt and from any other source. A failure to secure this leaves a fundamental Green Belt objection and the reason for refusal should have read something like: 'The proposed animal research establishment at 307 Huntingdon Road constitutes inappropriate development in the statutory Green Belt and there are no very special circumstances, including national need, sufficient to outweigh the harm that would result, by definition, to the Green Belt and other harm, including that from demonstrations and breaches of security at 307 Huntingdon Road, that would lead to a risk to safety and congestion/ disruption on the surrounding highway network'.

- 14.12 I also note some inconsistency in CU's approach to policy. Under one heading they acknowledge that the project constitutes inappropriate development within the Green Belt. At a preceding point, however, they contend the project should attract the benefit of s.54A. I firmly believe that the Green Belt presumption is the key or overarching policy and, when the DP policies relevant to the appeal site are viewed holistically, the proposed non-human primate research establishment is contrary to this key policy.
- 14.13 That very special circumstances might outweigh the negative presumption against inappropriate development in the Green Belt is not in dispute. Even so, the meeting of the very special circumstances 'test' does not confer s.54A status. After weighing everything in the balance, a 'favourable' outcome merely allows the project to be judged as one in accordance with policy. In other words, the adverse policy presumption comes first and then the very special circumstances are weighed against that presumption.
- 14.14 I conclude, therefore, on the principle of the project that it is contrary to the prevailing DP Green Belt policies and does not benefit from the s.54A presumption in favour of granting planning permission. Under these circumstances, I move to consider the material planning considerations and very special circumstances that might justify a decision at variance with the adverse policy presumption.

The Need for the Appeal Proposal

The national interest/ need 17.26-7.33,9.10,9.33-9.35,10.14-10.15,12.37 and 13.2]

- 14.15 Although reference to the national interest is contained in RPG6 and the Cambridge Structure Plan 1995 and emerging elements of the development plan review, I am not aware of any definition of "*the national interest*" or any acknowledged criteria that should be considered in the planning context. Without this to aid the decision maker, each case must be treated on its individual merit.
- 14.16 What is before the SoS in this case are letters from the DTI confirming that Government views this proposal to be in the national interest. The contention by those objecting is that the points referred to in these and other supporting letters, are all subjective and assertive. They do not go to the heart of the matter of deciding whether the scientific or medical value of a proposed non-human primate research establishment is in the national interest. The information that would facilitate this is not in the public domain and Cambridge University (CU) chose not to call any technical witness involved directly in the research projects or anyone benefiting directly from them.
- 14.17 I accept readily that there is no place in the planning remit for commenting on the moral or ethical aspects of animal research, even that with non-human primate involvement. Notwithstanding, if the national interest 'card' is to be played in aid as a very special circumstance, then I believe there is a direct obligation on the University to demonstrate this in some objective way. One way would be to tender a witness who would submit technical scientific support for the project. This might inform in some detail what has been achieved, what is currently under way and how this has been

successful in advancing knowledge and, in particular, the understanding and treatment of neurological conditions. This witness would then be available to answer questions. In the absence of this, CU have to rely on the statements of support from the DTI and other members of the Government, and I address these later.

Scientific/ medical arguments 15.2-5.3, 7.34-7.43, 7.113-7.135, 9.3-9.5, 9.11-9.35, 10.13-10.16, 11.1-11.4, 12.37-12.41, 12.48-

12.61 and 13.21

14.18 With regard to the scientific/ medical input, or lack of it, the appeal system has long adhered to the Frank's principles of fairness, openness and impartiality. It is not acceptable, therefore, to argue, as CU do, that the Inspector and the SoS lack the technical competence to follow the medical evidence that might be adduced and, thus, rely on the written statements and submissions of one party, however eminent.

14.19 As pointed out, Inspectors do have to follow highly technical information and I would extend the list proffered by the Coalition to include such complex matters as incineration, virtually all waste cases, contamination of both land and water and transport modelling. There is, of course, always the fall back position of appointing an Assessor, where the expertise of the appointed Inspector does not extend to the specialism at issue.

14.20 Similarly, the arguments about the security risk to those giving evidence are not compelling. As was pointed out, there was no need for those actually involved in undertaking research on non-human primates to appear. If the research on non-human primates at CU, or any animal research at any institution, has led to successful clinical trials on humans or the establishment of other medical/ clinical procedures etc, then it should have been possible to 'parade' the recipients of the research information before the inquiry. As the Coalition proposed, they could have supported the 'national interest/need' argument and, not being directly involved in animal research themselves, would not have been placing themselves at risk. Nothing akin to this was attempted.

14.21 Even if CU felt this was not good enough, it is not unknown for sensitive evidence to be delivered *in camera*, so that the evidence could be made available to the inquiry, but the names of those giving evidence could have remained outside the public domain. It was as if CU felt there is no need to demonstrate the scientific/ medical worth of the research carried on at the non-human primate centre. Some clearly felt this to be an arrogant and high-handed approach to the public inquiry and to the openness in which such proceedings should take place.

14.22 The technical information that was presented to the inquiry could best be described as peripheral skirmishing, without CU making any real attempt to secure an objective conclusion on or specific details about what is proposed. As it was, a considerable amount of written evidence was placed before the inquiry by CU and objectors, but those actually and specifically qualified in non-human primate research into neurological illness or conditions and had produced the papers on the topic were not able to be tested by questioning. Each paper or article submitted was almost immediately rebutted by another, arguably of equal standing. Nor was I helped in this by there being any direct input from an independent member of a peer review body or

similar.

- 14.23 All this discussion about evidence and questioning does not mean that written representation should count for nought. Clearly they are material and have to be taken into account. However, most if not all of the scientific/ medical evidence advanced by CU is challenged by objectors, with equal or more extensive written representation and some oral evidence. Under these circumstances, I would be heavily criticised if I afforded the University's written evidence greater weight than that of the objectors.
- 14.24 Clearly, it is extremely difficult to identify the future benefits of pure or 'blue skies' research. It seems to me that there could always be something of scientific usefulness that could be established by such experiments. From the opposing standpoint, and no doubt equally valid, there can be no guarantees. Having said this, I appreciate that it might be difficult to enter into an open debate in a competitive world with material that might be sensitive.
- 14.25 On the basis of the technical input, therefore, I could not conclude that need in the national interest is demonstrated insofar as this pertains to the scientific/ medical research and procedures undertaken by the University. I return to the consequence of this later.

Other factors prayed in aid to establish national interest/ need **15.2-5.2,7.26-73.3,9.3-9.5 9.11-9.351**

- 14.26 From CU's perspective, its track record for research and results was prayed in aid as was its submission that the highest calibre of researcher/scientist would be lost to the University if this proposal was turned away. It is also claimed that the consolidation of all non-primate research currently carried on at a number of institutions on one site would lead to more efficiency, with the possibility that achieving the same results could be secured undertaking experimentation on fewer non-human primates. Furthermore, the best standards of accommodation and care for the animals could be secured.
- 14.27 The next point submitted by CU is that before clinical trials of virtually any drug can be undertaken on humans they have to be proven on animals. As I understand it, however, there is no requirement for these animals to be non-human primates. In this context, CU did not dispute that 80% of trials proven successfully on animals did not succeed when the same tests/ treatments formed clinical trials on humans. Perhaps of more relevance, CU did not counter by claiming that, even in the neurological field, the success of clinical trials on humans following testing on non-human primates was of a higher order. Surprisingly, in CU's closing submissions no reference is made to any perceived difference between animal experiments in general and those on non-human primates. In fact, and as can be seen, no reference is made to non-human primates.
- 14.28 On the other hand, many of the objectors are focussed in their objection to the use of non-human primates and some go so far as to differentiate between old and new world non-human primates.
- 14.29 Looking at all these factors, they may represent some degree of benefit and advantage. However, there is no clear indication that these would amount to a national interest in

any definitive sense. For my part, I would have been looking for a much more extensive audit of direct and indirect job creation and the import/export consequences of any decision. These of course may be implicit in the Department of Trade and Industry (DTI) understanding, but details were not available to the inquiry. In addition, I am mindful that when CU was asked about the consequences of their appeal being dismissed, they responded by saying that this would be the end of the matter and such a research establishment would not be pursued. I did not find this response to be consistent with national need or interest.

- 14.30 I turn now to appraise the points on national need/ interest highlighted in the DTI letters. As stated earlier and accepted by all, these letters are not intended to support the proposal on a particular site. Even allowing for this, the other points are hardly compelling. As for the letter dated April 2001, this largely states the obvious, without identifying the CU project as different from many others. The references to the Joint Infrastructure Funding could be important, but I do not consider 1 of 152 approved schemes constitutes national importance, despite this being the fourth most expensive. Could the other 151 also claim national importance? Moreover, an equivalent amount of money has been added to the pot, no doubt adding to the 152 schemes approved so far for funding. Awarding funding cannot be an overriding criterion, though I accept that the judgement of the Joint Executive Committee should be afforded weight.
- 14.31 Moving onto the letter submitted in response to my questions at the PIM, several points are listed. The first in relation to an 'infrastructure' that has suffered years of neglect could apply to a myriad of interests. This does not highlight or justify research on nonhuman primates as being disadvantaged any more than any of the other similar interests. In fact, if one accepts the premise that wherever possible research should not involve animals, it would be a stronger argument to say that it is nationally important to keep together and service the excellent and acknowledged research expertise in Cambridge to catch up on alternative forms of research to that employing animals.
- 14.32 The second factor promotes the development of centres of research excellence. I am sure no one would disagree with this sentiment. However, in planning terms, I am equally certain this could similarly be argued to support virtually any research interest, public or private in any institution or building. It is not specific to this non-human primate centre in Cambridge.
- 14.33 The third, pertaining to improved animal accommodation is certainly not a justification for allowing the appeal or something in the national interest. Improvements in animal accommodation could be effected without this proposal. Even a grant of planning permission for this complex does not guarantee that anything other than the statutory minimum will, or would continue to, be provided.
- 14.34 The fourth point refers to ensuring legitimate research can continue despite intimidation. Setting aside the vast reservoir of lawful objection, I have serious concerns about adopting this argument as something of national importance. This could be argued to embrace all forms of security for research, commercial and even educational establishments. It is generally held in considering planning proposals that security is the

responsibility of the developer and threats of theft or vandalism are not normally given additional weight. Accordingly, this does not justify elevating research on non-human primates to a national level in this context or allowing this appeal merely to spike the guns of those objecting. The planning system is not there to facilitate making points of principle.

- 14.35 As one would expect, I have looked carefully at the letter from the MRC. This supports the case for CU and draws attention to the praise levelled at the Cambridge project and the high award of grants. I would have liked to ask more questions, but once again, the author of the letter was more concerned with protecting anonymity than appearing at the inquiry to support the submissions. Even then, the submissions do not indicate how many projects received this level of approbation nor whether there was competition included from establishments abroad that would have attracted the grants had CU not submitted an application. In my judgement these factors detract substantially from the weight they can be afforded.
- 14.36 Looking at national interest in planning terms, if one were to accept the DTI and MRC arguments as compelling then it would make it much more difficult for planning authorities to resist future proposals, where no objective or specific evidence is supplied. It is almost as if these submissions consider anything that would contribute positively to the national economy should be treated as nationally important. I am certain this is not the intention of national or local planning policy guidance. Consequently, I am sure, therefore, that the information contained in the DTI and MRC letters have not, of themselves, prompted the Government, collectively, to conclude on this project's national importance.
- 14.37 Nor have I found the House of Lords Report into "Animals in Scientific Procedures" crucial. On many counts the Report raises similar concerns to those aired at this inquiry. However, as I understand it, their Lordships were commenting on 'animal research' as a generic interest, not specifically in respect of research on non-human primates. In any event, it is clear that considerable evidence and submission was available to them in assisting them to their recommendation. Not least, I assume they were able to 'test' the submissions of those directly involved. These facilities were not made available to the planning inquiry. As mentioned above, from the planning inquiry viewpoint this must be seen to be fair, open and impartial. Without this, the fears of some objectors that the outcome is a foregone conclusion is granted credibility.
- 14.38 As the objectors do not have the benefit of this 'additional' information, it is not unnatural for them to respond to what is in the public domain and fear the worst about what remains unsaid. In giving weight to the submissions on national need/ importance the SoS will have to consider how much additional information to divulge and the consequences of doing so for future proposals and the planning system generally.
- 14.39 In conclusion, there are several arguments that could be seen in favour of this project. However, whether taking the points individually or cumulatively, I have not seen them as being so compelling as to justify this particular project as one in the national interest.

Security/Demonstration and the Consequences

Reasons why demonstrations will/ will not continue **17.34-7.43, 7.113-7.135, 8.7-8.17,10-3-10.12,12.9-12.14, 12.20,12.32,12.36-12.41, 12.62 and 13.3-13.41**

14.40 As noted, it is not, of course, in the planning remit to give weight to the moral or ethical aspects of animal research or testing. However much the objectors might resent it, this must be a matter for Government and the Law. Notwithstanding, if the individual or public perception of animal testing and in this case specifically research/testing on non-human primates is at odds with Government 'policy', it is perfectly acceptable to promote their views. As is pointed out, Government 'policy' on such matters as foxhunting, the export of live animals, the use of animals in testing cosmetics and of the great apes in experimentation/ research etc., often lags behind the public view. The question in this case, is whether this expression is likely to lead to direct and indirect actions of lawful and, on occasions, an unlawful nature.

14.41 Although CU submit the views of the scientific bodies as strongly in favour of animal research, there is little to say this mirrors the public view. I agree that one should not draw the conclusion from the Mori poll figures that a significant majority of the public is in favour of banning all animal testing in all circumstances. However, from this article and poll, neither can one draw the inference that a majority of the public is in favour of research using non-human primates, where they are liable to suffer pain. There are also recorded in the survey a difference of view between the use of non-human primates and other animals.

14.42 From the written representations it is quite clear that many who accept that testing drugs on animals is necessary consider that testing/research on non-human primates is of a totally different magnitude. In this context, and in answer to my question, it is interesting to note that scientists/ researchers in the UK no longer wish to carry out work on the great apes and, as acknowledged, this was banned recently. As mentioned above, many differentiate between old and new world monkeys. Essentially, the public perception is that demonstration etc. has led to a change in Government thinking and policy over time. They see a similar approach being successful in a case of research/ testing on all non-human primates and some draw support from emerging EU legislation. From the evidence before me, there are a significant number of reasons why I would not dispute this and why I firmly believe that the public will continue to agitate vociferously and 'forcibly' against the use of non-human primates.

14.43 In the first place, the public resents clearly the lack of open debate on the issue of the scientific/ medical provenance of the research. They see the University's lack of engagement on this matter as dismissive of their strongly held views. Importantly, most see non-human primates as being much closer to humans than other animals used for testing. As such, there is a greater affinity with perceived levels of pain in animals undergoing research. Members of the public are unable to reconcile themselves to the measurements of stress and actual pain inflicted on non-human primates, who, of course, have no choice or voice in the process. Low or moderate pain, as defined by the Home Office, is not seen as better than substantial pain and the averaging method for pain events

is an anathema. To the vast majority of those objecting, all pain inflicted on animals is viewed as unacceptable.

- 14.44 Insofar as monitoring the living and social conditions of animals involved in the research, being carried out by the Home Secretary overseeing his own rules and regulations, this is not seen as independent. Moreover, there is a belief that the Home Office Inspectors involved have become desensitised over time and this is why they have 'missed' the 'failings' alleged by BUAV and others. As a consequence, without entirely independent scrutiny mistrust is harboured and breeds. Rules and regulation there may be, but these are not seen as robust enough or enforced consistently and rigorously. Although, I have not found crucial the allegations made in the BUAV video, it, and so far the lack of response from the Home Secretary, informs public perception and concern.
- 14.45 Incidentally, I have not found the emerging EU Directive critical. From the information available, it will deal with animal husbandry and general care and the present UK standards very largely better the requirements under consideration. I am not aware that this Directive will limit the class or species of animal that could be used, though the SoS may wish to confirm my understanding.
- 14.46 Secondly, those objecting see a system, which is arguably self-perpetuating by way of peer review involving many also involved in similar research. As for licensing/grant applications, while many overseeing this process are not directly involved in animal research today, the scrutiny process is not seen as transparent. From the lack of information and evidence placed before me, I see no reason to disagree. There was just not enough detail for me, or apparently within the public domain, to form any reasoned view. This is despite the House of Lords recommendation on information in their Report into animal procedures.
- 14.47 Finally, the University fear those who take direct and sometimes unlawful actions. Nevertheless, by far the vast majority of people objecting to this proposal, in their tens of thousand, are perfectly law abiding citizens who will vote against animal experimentation/ research when the opportunity arises and will demonstrate in as peaceful a means as possible until they achieve their aims. It is also worth noting that many of the organisations objecting to these proposals have national status and draw patronage and involvement from the highest level of public service. For example, the Queen is the Patron of the RSPCA and The Archbishop of Canterbury its Vice Patron.
- 14.48 However, unlike the University who believe that today's objections will evaporate, I share the view expressed by the Police that the objections to something as emotive and sensitive as research on non-human primates will not disappear. If anything, from the evidence and representations, I foresee objection to the use of non-human primates growing. In addition, the University answer to me at the inquiry that failure to secure planning permission on this site would, in all probability, be the end of meaningful biomedical research on non-human primates in Cambridge can only act as a spur to those who object.

14.49 As CU emphasise, there are those who feel that greater notice will be taken of more overt and disruptive action. While the law and the vast majority of objectors do not condone this approach, it would not be sensible to disregard it. The history at this and other sites reinforces this view.

14.50 One other germane factor that reinforces my conclusions on this point is that all the owners of business sites approached with a view to the location of the non-human primate research establishment would not countenance it on any of their sites. In effect, they are all fearful of the consequences for the safe and efficient operation of their sites and the future investment and rental values that could be secured alongside a non-human primate research establishment. Some even write exclusion clauses in their leases. For similar reasons, the University are also fearful of locating it on one of their own sites. On this basis, the more cynical might suggest that the main very special circumstance, in the Green Belt context, is not an operational need for the non-human primate research centre itself to be in the Green Belt, but the registered fear of non-Green Belt landowners.

14.51 For all these reasons, I am in no doubt that demonstrations against this proposal will continue during and following construction. It would consolidate an appreciable number of disparate non-human primate research establishments into one location. This would serve to focus objection to research on non-human primates to what might be described as a 'prime target' site. So how could this manifest itself?

The consequence of demonstrations etc. **12.1-2.4, 6.1, 7.15-7.19, 7.44-7.51, 7.73-7.105, 8.2-8.6, 8.19-8.54, 12.6, 12.12, 12.33-12.35, 12.43 and 12.451**

14.52 Before it could become operational, the site would have to be constructed. This in itself may prove problematical if the approach at Huntington Life Sciences (HLS) is repeated at 307 Huntington Road. As I see it, it would be an easy matter to put pressure on main contractors in attempts to dissuade them from submitting a tender. It would seem unlikely that the Government would provide banking facilities for all potential contractors. With new build, this would extend to those individual suppliers and those delivering materials to the site and carrying out the work. These actions could apply equally to any site, but the consequences of the position of this site.

14.53 Any delay in progress would capture publicity and one only has to consider some of the 'ingenious' methods of direct action adopted at locations such as the A34 Newbury Bypass, the M65 Preston, Blackburn and Burnley Motorway and Manchester Airport (second runway) to understand the full consequences for the surrounding highway network of action at this stage. It is accepted by all that the campaigners are "*not unintelligent*" and they do demonstrate originality. Most importantly, the disruption to deliveries to 307 would place a main arterial route into the City at risk. This is a gateway location, linking the City Centre with the motorway network to London, the Midlands and the North, where delays could be unfortunate and potentially hazardous, not to mention being a poor advert for the City.

14.54 Once the establishment was constructed, I believe it would provide a site in an ideal location for publicity, demonstration and potential major disruption. In particular, the

A1307 passes over the A14/A428 and the slip road to the M11. Moreover, it is highly visible from the M11. I foresee that such a location could provide a national, if not an international, stage for opposition to the site and the use of non-human primates in research generally. I accept that the Police have powers to prevent banners being slung from road/motorway bridges or that even a peaceable vigil could be broken up if conducted immediately outside 307 Huntingdon Road.

14.55 I am more inclined to the Council and Police views that we cannot merely have regard to the historic record of incidents. In any assessment of an application I believe the decision maker must have regard to all the material consequences for the adjacent land uses and users. The fact that certain events might not yet have happened is not enough. I see parallels with allowing residential development alongside an employment site on the basis that the previous business occupants have caused no amenity problems. By allowing the residential development there is an immediate fettering of the expectation and anticipation of the employment use/ type or the ability to dispose of the land/ building for uses within the classes permitted. The decision maker must have regard to all reasonable consequences of his/her decision. Paradoxically, CU are asking the inquiry to have regard to what they might achieve from their research in the future.

14.56 If demonstrations do take place, then a little imagination convinces me that objectors putting over their views could attract public attention. Some actions could be greatly distracting to users of the surrounding motorway and trunk road system, as well as the A1307 itself. Immediately to the north-west of the appeal site the A1307 is subject to the national speed limit, with relatively high 85th percentile speeds. The design for sight stopping distance is substandard for these speeds. Extension of the 40mph speed limit from the Cambridge direction and signing and enforcement would help, but, if the A1307 is blocked, a percentage of travellers may encounter standing traffic at times outside the morning peak hour, when they will least expect it. With open frontages in view, it is inevitable that some drivers will still travel above the design speed, even with the reduced speed limit. This would be a potential source of danger.

14.57 Similarly on the A14/A428 and the slip road to the M11, without major works to the A1307 bridge over this route I foresee considerable danger and distraction on these high speed routes. In addition, the appeal site itself is highly visible from the M11 and with the proposed security fence and 3-4m high brick walls to the northerly boundary would be obvious from Huntingdon Road. How long would it be before a `permanent' banner greeting is arrayed on the long expanse of wall outside 307, on this main approach to the City?

14.58 Moreover, a public footpath runs alongside the site and under the M11 motorway. As for the M11, this is the major motorway linking East Anglia with London and Stanstead Airport and this would provide a national and international stage for demonstration and protest. Another footpath on the opposite side of the A1307 leads to Girton via a bridge over the A14. It is worth noting that the geometric standards for the slip-roads from and to the A14/A428 and the MI 1 reflect comparatively low design speeds. At these locations and at `motorway speeds' a momentary distraction would add markedly to

accident risk: 70mph equates to some 33m_(105a) of travel each second.

- 14.59 Just by way of example, an effigy of a monkey 'with attachments' and an accompanying banner reading 'THEY ARE KILLING ME FOR YOU' swung from the bridge parapet would immediately draw the eye and mind in a way that a conventional roadside sign or advert would not. If a human dressed up as the monkey, how much more realistic. Add a lock-on to the bridge parapet and suspend the 'human monkey' and it would take hours to resolve safely. This need involve only one or two objectors, with no advance warning. This would, of course, be judged illegal, but I suspect it would prove highly effective in disrupting the free flow of traffic and adversely affecting highway safety at a major intersection.
- 14.60 I accept that traffic management measures could be implemented on the A1307 to reduce the potential for danger, but, even for normal campaigning, these would not remove distraction, disruption and potential delay. All these factors can lead to frustration and added danger to road users. The key advantage to the protestors is the visual connectivity between the appeal site and the key public vantage points. This is why this site is different from others and, in saying this, I include the HLS site, which, although alongside the AI(M), is itself served off a minor road.
- 14.61 I have no doubt that the Police will do everything necessary to maintain law and order, but their response time of some 20-minutes leaves a sufficient margin for unadvertised action. A significant amount can be achieved in 20-minutes and this can take several hours to remedy. During all this time the roads around are at the mercy of the demonstrators' actions. As was pointed out, the Police are unlikely to take precipitate action to remove protesters. They will exercise the necessary level of caution.
- 14.62 I agree, also, that equipment such as cones and signing could be accommodated within a below ground, secure container in the highway outside the site and be used by the Police in case they need to cone off any section of the A1307. A field alongside the proposed development would be offered to the Police to disperse and hold demonstrators and this itself could be used to advantage. I recognise that the field would not be available at all times to demonstrators, but the Police clearly have difficulty in their potential to manage demonstrators on private land immediately adjacent to the proposed non human primate research centre.
- 14.63 Accordingly, I consider that the proposed non-human primate research establishment at this location would have a material and adverse effect on the surrounding trunk road and motorway network, access to Cambridge City Centre and involve significant police resources and appreciably more than a less conspicuous site.
- 14.64 In reaching this conclusion, I have not had regard to the migration of demonstrators from 307 Huntingdon Road to Cambridge City Centre. Although this would have impact on the A1307 itself, I consider that wherever the establishment was built it would have a similar negative effect on Cambridge City Centre should demonstrators seek to attract publicity in a central location.

The Effect on Local Residents 12.6,7.6-7.8,12.1-12.7,12.21-12.31,12.42,12.44,12.46-12.47 and 13.61

14.65 No central University body or public or private industrial park is prepared to accept the proposed non-human primate research centre within its midst. However, a relatively small number of local residents of Girton and Girton College itself, an independent College under the umbrella of the University, is expected to bare the brunt of what are the stated and anticipated fears of others. In this regard, as concluded previously, I have no doubt at all that demonstrations and publicity stunts will take place at and around the site 307 Huntingdon Road. The fact that these will impinge on the College grounds and activities and the lives of local residents is described and confirmed by those making representation. I see no reason for this to change. Unlike CU, I see Girton College as particularly vulnerable, with its numerous entrances and open accessibility. Moreover, the site is referred to in communications, not the site at 307 Huntingdon Road, but *'the site at Girton'*.

14.66 Moreover, as lengthy vigils and accompanying noise are one of the methods demonstrators employ frequently to draw attention to animal research sites, I could imagine increased disturbance etc for those living nearest. I accept that persistent, high noise levels are likely to be construed as environmentally unacceptable. However, is a demonstrator holding a placard saying "Hoot if you think research on monkeys should be banned" causing a breach? Fire Officers did just that day after day, apparently without action being taken. Several hundred or thousand horns hooting each day would not do residents' nerves any good - even at 100-200m! I am mindful, also, that demonstrations are more likely to take place at weekends and Bank Holidays, when residents might expect peaceful and quiet enjoyment of their gardens.

14.67 I agree that those residents affected would be limited in number and do not live immediately alongside the proposal. Nevertheless, some are close, especially on the Girton campus. If CU's expected modal split is to be believed, then the passage of employees at the research establishment along Huntingdon Road, perhaps walking to and from bus stops, could extend the disruption well beyond the site entrance. Accordingly, I am in no doubt that the reasonable expectations of local residents could be prejudiced by the proposal and the inevitable demonstrations/ publicity stunts that would follow. I see this as registering a moderate level of objection, albeit perhaps not compelling in its own right.

14.68 Turning to the question of public fear and health, I am mindful that public health interests would be overseen by another agencies through the permit and licence regimes. Thus, it is not properly a material planning consideration. In effect, the health fears raised by the International Primate Protection League and residents etc would be included under this *'umbrella'*. Despite CU dismissing the prospect of viral leakage, it is worth noting the Oxford Professor who cites the closure of part of a building in Oxford University as a direct result of viral escape. Although I was not able to ask questions about the cause etc and have not, therefore, accorded it much weight, this incident alone will raise public concern.

- 14.69 Any public fear/ concern can, of course, be a material planning consideration and was expressed by a number of objectors who fear the potential for the escape of disease, bacteria or simply pollution. Looking at these specific aspects, it is clear there maybe a hazard within the site, but from the evidence advanced, the potential risk for escape or migration would be small. Perhaps most importantly, moving the enterprise further away from concentrations of people would not necessarily affect the risk substantially. As I understand the evidence, for the proposal to be sited anywhere within the area defined by the Cambridge phenomenon would present similar risks. In most cases, I would expect the researchers and other employees to be at most risk and to offer the greatest potential as `carriers'. Having said this, if an `event' did occur then it could be disastrous and this does grant public fear some small weight in the balancing equation. Equally, the fear of those industrial/ employment site owners could legitimately lodge a similar line argument in support of their resistance to accommodating the centre on one of their sites.
- 14.70 As for a potential drop in house prices should the proposal reach fruition, I accept that this would be likely for those closest. However, the affect of an `acceptable' development on the value of nearby land and property is not a material planning consideration. Nor of course is the same plea from other CU and employment/ industrial sites.
- 14.71 In summary, therefore, I accept that the health and public fear arguments are not compelling in this case. Notwithstanding, I firmly believe that the reasonable expectations of neighbours with regards to the quiet enjoyment of their life would be prejudiced to a moderate degree if the development were to proceed.

The Visual Impact and Harm to the Green Belt 12.5,3.1,6.1,7.3-7.5,7.20-7.25,7.66-7.67,9.42-9.44 and 13.5)

- 14.72 Despite the submissions by CU, and by implication SCDC through the SCG, I, like the Coalition and other objectors, found the site of 307 Huntingdon Road and the buildings to be visually prominent in the Green Belt. Moreover, in the Green Belt the PPG2 guidance assumes all inappropriate development in the Green Belt will, by definition, be harmful. In a Green Belt location, however, even though some existing structures would be replaced, the construction of some 8,000 square metres of new build, even with a lowered profile, would materially extend the site coverage. Inevitably this would materially reduce the openness, which is the main attribute of the Green Belt. Visually, this is particularly so in winter, when viewed from public vantage points such as the M11, the A14/M11 slip and the footpath alongside the appeal site. The appeal site, of course, abuts the A1307 Huntingdon Road. As for the purposes of including land in the Green Belt, the proposal would lead to further encroachment into and urbanisation of the countryside.
- 14.73 Having said this, there is general approbation for the design of the buildings and I am no doubt that in a non-Green Belt location they would be described as attractive and largely minimise the visual impact. In saying this, I acknowledge that to facilitate natural light to the animals kept at 307 Huntington Road it makes a completely subterranean development far less practical, not to mention much more expensive. In addition, there would be additional planting that should eventually soften some views. I accept, also, that in terms of the setting and views into the city of Cambridge the proposal would not have any marked effect.

- 14.74 Turning to the general Huntingdon Road views, CU concludes that the area is more urban than rural. I agree that the area has to be viewed in the context of the site's position on the Cambridge City side of the All/A14/ A428 and alongside the A1307. However, even allowing for the street lighting and the other highway trappings, my appreciation of the area immediate to the appeal site is one of transition. Moreover, I would say that the open aspects opposite and either side of the appeal site present a rather more rural than urban perspective, especially during hours of daylight.
- 14.75 In this context, the erection of the security fence and a 3-4m high brick wall along the front boundary with Huntingdon Road and the heavy pruning and possible loss of some of the existing trees would inevitably create a more urban feel. It would certainly do little to preserve what rurality there is on this approach to the City. I mention the possible loss of trees despite the avowal that this would not happen. When studying the submitted plans, it seems to me almost inconceivable that the security fencing, a possible 'ditch trap' and the wall could all be erected without placing some trees along the Huntingdon Road frontage at greatly increased risk.
- 14.76 As for the remainder of the boundary, CU are confident that the treatment proposed would meet the demands for security occasioned by the non-human primate animal research centre. Although the Police have been consulted, I still harbour doubts. The HLS site has been targeted by a group of people with the objective of closing down the establishment. As a consequence, the security arrangements - fencing, entrance security etc - have become progressively more evident with time. I agree with those who see HLS today as more reminiscent of a prison than a B 1 research establishment. I would not be surprised at a similar chain of events were 307 Huntingdon Road granted planning permission. Not least because this would be known as a 'dedicated' non-human primate research centre. The only other conclusion to draw is that HLS have wasted a considerable amount of money and perpetrated a blot on the landscape.
- 14.77 Moreover, I anticipate that during the construction of the boundary fencing at 307 Huntingdon Road a further level of security would be required outside the perimeter just to enable the boundary construction to be effected. Thus, for the construction period the appearance to users of Huntingdon Road and the footpath would change materially. In practice, I would expect the public footpath would have to be closed temporarily or diverted and part of the carriageway of Huntingdon Road coned off in order to carry out the work.
- 14.78 On this topic, therefore, I conclude that there would be harm to the Green Belt in terms of loss of openness and an undesirable change of character from public vantage points. This would be emphasised by the visual connectivity of the appeal site with the surrounding road network. On the other hand, the building design and landscape proposals are the best that could be achieved. Finally, I am satisfied that the setting and integrity of Cambridge City and the University from distant views would not be adversely affected.

Alternative Sites 17.9-7.14, 7.68-7.71, 7.106-7.112,8.18,8.55-8.65,9.4, 937-9.41,9A5,12.45 and 1351

- 14.79 The University took great pains to emphasise that to avoid criticism they had undertaken an extensive and detailed investigation of alternative sites. As a consequence, they had reviewed all the University owned land, private business parks and some agricultural land around Cambridge identified by SCDC. In my view, however, even though much verbiage was exchanged about the suitability of sites and the acceptability of the proposal on these sites the investigation was crude and fundamentally misdirected. Here we have a proposal that no existing University site or industrial/ business-park will accept owing to the, acknowledged potential for demonstration, disruption and reduction in asset value.
- 14.80 Although CU have gone to great lengths to demonstrate the suitability of the appeal site, they have done little or nothing about assessing with the Police and/or SCDC the security or traffic impact of other existing sites or new alternatives. Nor have CU sought to persuade, convert or educate those who own or manage industrial sites. In my opinion, acceptance of a verbal or written view that owners/ occupiers do not want animal research establishments within their sphere of interest materially devalues the assessment.
- 14.81 Having heard CU's submissions I confess to being perplexed. In one breath they promote the Cambridge phenomena and the national importance of this specific enterprise. Next they claim that there is little or no likelihood that demonstrations will continue once the appeal decision has been issued. Then, despite these two contentions, they are not prepared to accommodate the project on one of the identified University sites. Objectors could be forgiven for viewing this as a most cynical form of 'nimbyism'.
- 14.82 Notwithstanding, to my mind these two factors have inhibited the consideration of alternative sites to an inordinate and unrealistic degree. In the first place, if a proposed use on a site is unacceptable to any larger site within which it could be incorporated then it is obvious that a different approach is necessary. In my view, the District Council's offer of sitting down with the University to identify what must be a 'special site' and to carry out this investigation in consultation with the Police seems an obvious way forward.
- 14.83 Apart from this, the criterion that appears to have been uppermost in CU's site selection is that of sustainability in the context of the University Plan. Of primary concern is the ability to achieve multi modal access between the research centre and key locations in the University, particularly Addenbrookes and the Downing site. For this particular project, I see sustainability and maintaining the necessary level of security for staff and researchers visiting the site to be mutually exclusive. We heard from the Police that employees at HLS had left/resigned due to the threats and consequent security risk. I am in no doubt that this would happen in similar vein at any site chosen for non-human primate research. Moreover, owing to the higher order of non-human primates compared with the vast majority of animals at HLS the threats and objections could be more attentive.
- 14.84 I conclude, therefore, that inviting employees/researchers to travel between the University and the research establishment on foot or by bicycle would precipitate problems and probably be a forlorn hope. Just because the access to 307 is busier and visually more obvious than that to HLS, does not, of itself, mean that cyclists/ pedestrians would not be vulnerable. In practice, I would expect the vast majority of journeys would be made by a

car and if security became severely prejudiced, this may have to be a dedicated operation. What is clear to me, is that adopting a sustainable, criteria based approach to identify an acceptable site is unrealistic.

- 14.85 As a consequence of my concern about the adequacy of the investigation of alternative sites, I asked the parties to construct travel isochrones for cycling and car travel from the Downing site and Addenbrookes. Unfortunately, this has not been done on any meaningful basis and the hope that others could be involved in achieving an agreed outcome has not been fulfilled. In fact, the overlapping isochrone produced is merely suspended arcs taken from the key points, with no attempt at a more sophisticated assessment of travel times (**Document A81**). Moreover, they were produced so late in the day that SCDC, the Police and others could not comment on them. Finally, and crucially, they do not include what I would consider to be a realistic car travel isochrone.
- 14.86 Had this been done properly, I would have expected a significant area of land around Cambridge to be identified. Certainly far more than has been considered so far. Whereas most of this would lie within the statutory Green Belt and much of it within a landscape designation, it would contain significant areas without restrictive designation. In addition, the SP Review proposes the release of some current Green Belt land for development. Clearly this cannot yet be taken as fact until completion of the SP Review. However, it is indicative of the process and, of course, the appeal site is not part of the land under consideration for release.
- 14.87 Accordingly, I consider that any site for the non-human primate research centre should be accessed from a secondary road and a road that has a diversion route. Then, the other criteria suggested by the Police/ SCDC should be considered to ascertain if a site meets the majority if not all these criteria. In essence, this should take the form of a sequential test within the overlapping isochrones. If land is in private ownership, the analogy in PPG6 is that the local planning authority can use its compulsory purchase order powers to secure the land. In fact, if private land were to be acquired for this purpose, I would expect that CPO procedures would have to be invoked to protect the vendor. Again, if this project is judged to be in the national interest then this is likely to outweigh the Green Belt or other site-specific objections if the sequential test is followed.
- 14.88 As to the sites identified by the District Council there is none that jumps out as an obvious choice. I recognise many of the shortcomings identified by CU and these clearly make them less desirable. However, as indicated above, once the 'correct' travel isochrones are used it is likely that many more options would materialise. Incidentally, in this matter, I agree with SCDC's submission that there is not requirement to identify an alternative site.
- 14.89 One other alternative is to play the national need 'card' in reverse. This was suggested by Andrew Lansley MP, and his argument runs thus. If an alternative CU site, within a defined employment allocation or cluster, were made available for the non-human primate research centre, then this would displace another 'planned' CU use. If this displaced use is then transferred to the 307 site then this could be justified on the national need argument advanced in favour of the current project. This would have the advantages of providing a site for the non-human primate research centre under the direct control of the University, while leaving the site at 307 to be developed for a use that would not attract demonstrations and, therefore, not leave the highway network vulnerable to disruption. It would also safeguard the local residents' interests etc. The visual harm to the Green Belt would remain, however, and could be worse depending on the use

`relocated'. For example, it may not be possible for a different use to adopt the low profile building now proposed.

14.90 One downside of pursuing an alternative formula is the delay it would introduce to the process of completing the proposed research establishment. However, the offer of considering alternative sites jointly with the Police and District Council has been on the table for a considerable time. It may have been unfortunate that several months elapsed before a meeting could be arranged between SCDC's Chief Planning Officer and the University Estate's Officer. Even so, this is not a demonstration of urgency and/or willingness on behalf of the University to treat meaningfully in the consideration of alternative sites.

14.91 Concluding on this aspect, I am not satisfied that sufficient work has been undertaken at this stage with all the interested parties to constitute an objective and meaningful review of all alternatives, based on realistic criteria.

Other Factors in Favour [2.5,7.2,7.67 and 13.7)

14.92 There are several other factors prayed in aid of this scheme. The first of these is that the site is already in use for animal research. This is of course so, but I have not found this compelling. In essence the existing work carried out is comparatively low key. The proposal is to concentrate all the non-human primate research in Cambridge on one site. The attractive value for objectors of this site, generated by this inquiry and other publicity, outweighs the existing use argument. Next, it is submitted that the animals would be kept in much better conditions than at present. One would hope this would be the case, but there can be no guarantee through the planning system that anything other than the legal minimum would be provided. Even then, I am not sure why this planning permission is necessary to achieve these `higher standards'. If this is felt to be important then I was presented with no evidence to suggest this could not be achieved today at the disparate sites.

14.93 As much of the appeal site has been developed already, it could be judged a brownfield site. As such, it should be considered ahead of greenfield sites, unless there are sound planning and sustainability reasons why this should not be so. This factor counts heavily in favour of the appeal site, though because of my conclusion on the need for a sustainable travel location this tempers the weight I would afford it on this basis. In terms of the potential to disrupt the surrounding highway network, it might be considered that the appeal site performs so badly against a more distant greenfield option that it should carry much less weight.

14.94 Finally, there are those who have expressed support for the project from the perspective of doing everything possible to find treatment and/or cures for the crippling neurological and degenerative diseases. Although few in number, they voice a legitimate point of view and, any afflicted directly or indirectly by any of the neurological illnesses attract the greatest sympathy in urging their wishes.

Summary of Conclusions

14.95 The proposal constitutes inappropriate development in the statutory Green Belt and,

therefore, there is a presumption against granting planning permission for this project. For this presumption to be reversed, the very special circumstances identified must outweigh the harm to the Green Belt and all other identified harm.

14.96 In this case, I have not found objective evidence to the effect that this proposal is in the national interest. The submissions on medical scientific matters are inconclusive and the points advanced by CU and raised in supporting letters could apply to many research establishments around the country. Allowing this project without more objective evidence would leave the planning system vulnerable to 'abuse. That said, I am aware that the Government believes it to be in the national interest and no doubt has other evidence not made available to the public inquiry for concluding this. Even if this is the case, however, I do not consider that this is sufficient to outweigh the harm that would follow from allowing the construction and operation of a non-human primate research centre on the appeal site at 307 Huntingdon Road.

14.97 In particular, I am convinced that demonstrations and disruption would continue during and after the erection of the buildings. Although the Police would always perform their duty to the best of their ability, I consider that this location would invite a greater use of Police resources and present activists with massive potential for disruption. The site's location so close to the M11, A14 and A428, not to mention the radial route (A1307 Huntingdon Road) into Cambridge, would provide demonstrators with a national if not international stage for their demonstrations.

14.98 Without stretching the imagination too far I can think of numerous activities and gimmicks that would attract public attention, while at the same time prejudicing the safe and free flow of traffic on the adjacent highway system. I do not consider that the same danger to the public would manifest itself at a more remote site, where there would not be the ready and obvious connectivity between the research centre and the major public vantage points on and around the highway network. Along similar lines, the anonymity that might be gained by using a site on an established industrial site or within a cluster may offer some advantage.

14.99 On the other hand, if the SoS were not persuaded by the certainty of the demonstration/ security arguments, then this would remove one main argument for redeveloping a Green Belt site for the non-human primate research centre. Without material fear of demonstration etc, under any sequential review, the centre would always be more suitably accommodated on an allocated employment site.

14.100 In addition to this fundamental objection, I consider that the proposal would impinge on the reasonable expectations of neighbours by virtue of noise, disturbance etc to a moderate degree and that the visual impression from public advantage points would move appreciably from one portraying a more rural to a more urban aspect. The fence/ wall along Huntingdon Road and its potential for abuse could easily compromise visually a major approach to the City Centre.

14.101 In my view, the combination of objections and consequent harm specific to this site outweigh the arguments that the proposal would be in the national interest. In reaching this conclusion, I have taken into account all other matters raised in the evidence and representations including the review of alternative sites offered and commented upon by the various parties.

Agreement and Conditions

14.102 Should the First Secretary be minded to allow this appeal then a s.106 Planning Obligation in relation to highway's issues has been submitted ^(Document 5). In my view,

these proposals would be apposite and necessary for the development to proceed. In essence, the obligation covers the introduction of a Travel to Work Plan and payment for signing and the reduction of the speed limit along the A1307 Huntingdon Road.

- 14.103 Turning to the draft conditions (**Document 6**), all the 12 suggested are necessary for the reasons given. In addition, I consider that two further conditions are justified. The first pertains to the provision of an underground store within the highway boundary to accommodate equipment required by the Police in the event they need to cone off or close/restrict carriageways/highways in the vicinity. In my view, this is necessary in the interest of protecting public safety and should be imposed as a negative condition.
- 14.104 The second suggested additional condition pertains to the construction period for the buildings and boundary treatment. In my view, it is necessary in the public interest to ensure that sufficient security is available to provide a safe working margin for those constructing the site, without impinging on public margins such as the highway and footpaths and inconveniencing and prejudicing the safe use of these routes. Accordingly, I consider that a detailed plan of phasing, including identifying all external land that would need to be used, should be submitted at least 3-months before the commencement of work on site. The local planning authority (lpa) must approve this in writing. On notifying the lpa of the commencement of works, this phasing plan shall be adhered to in the construction on the site, unless the express permission of the lpa is given in writing.
- 14.105 As indicated to the parties at the inquiry, all conditions should be worded to reflect the best practice evinced by Circular 11/95: The Use of Conditions in Planning Permissions.

15. RECOMMENDATION

- 15.1 I recommend that this appeal be dismissed.

Inspector